MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A REPORT

OF THE

SECRETARY OF STATE,

PREPARED

IN OBEDIENCE TO A RESOLUTION OF THE HOUSE OF RFPRESENTATIVES OF THE 4th INST.

IN RELATION

TO THE

Transactions at Dartmoor Prison,

IN

The month of April last, so far as the American Prisoners of War, there confined, were affected by such transaction.

January 31, 1816.
Read and ordered to lie upon the Table.

WASHINGTON:
PRINTED BY WILLIAM A. DAVIS.

1816.

To the House of Representatives
of the United States.

I transmit a report of the Secretary of State complying with the resolution of the 4th instant.

JAMES MADISON.

January 31*st*. 1816.

The resolution of the House of Representatives of the 4th inst. requesting the President to cause to be laid before that House, (if in his opinion it will not be inconsistent with the public welfare,) any authentic information he may have received, or communications which may have passed between this government and the government of Great Britain, in relation to the transactions at Dartmoor prison, in the month of April last, as far as the American prisoners of war, there confined, were affected by such transactions, having been referred to the Secretary of State, he has the honour to submit to the President, the accompanying papers, marked A, B, and C, as containing all the information in this department, called for by the resolution, or immediately connected with it.

All which is respectfully submitted.

JAS. MONROE.

Department of State,
January 31*st*, 1816.

LIST of PAPERS, in packet marked A.

Extract of a minute of a conversation which took place at lord Castlereagh's, between his lordship and Messrs. Clay and Gallatin, on the 16th of April, 1815.

Extract of a letter from Messrs. Clay and Gallatin, to Mr. Beasely, dated the 18th of April, 1815.

Letter of Mr. Charles King to Mr. Adams, dated Plymouth, 26th April, 1815.

Report of Messrs. Larpent and King, upon the occurrence at Dartmoor prison, dated 26th of April, 1815.

Letter of lord Castlereagh to Messrs. Clay and Gallatin, dated 22d of May, 1815.

Letter of Messrs. Clay and Gallatin to lord Castlereagh, dated 24th of May, 1815.

Extract of a letter from Mr. Adams to the secretary of state, dated 23d of June, 1815.

Letter of Mr. Baker, his britannic majesty's charge d'affaires, to the secretary of state, dated August 3, 1815.

Letter of the secretary of state to Mr. Baker, dated Dec. 11, 1815.

April 16th, 1815.

Extract of a minute of a conversation which took place at lord Castlereagh's, between his lordship and and Messrs. Clay and Gallatin.

Lord Castlereagh began by adverting to the unfortunate event which had taken place at Dartmoor, and proposed that, as a statement of the transaction had been received from the American prisoners differing very materially in fact from an inquiry instituted by the port-admiral, some means should be devised of procuring information as to the real state of the case; in order, either on the one hand, to satisfy the United States that the lives of their citizens, however unfortunately, had not been wantonly sacrificed, or, on the other, to enable the British government to punish their civil and military officers, if they should be found to have resorted to measures of extreme severity without necessity, or with too much precipitation. He therefore proposed, that one of the American commissioners should proceed to Dartmoor, with one of the gentlemen with whom they had negotiated at Ghent, and after examining the persons concerned, and such other evidence as might be thought necessary, should make a joint report upon the facts of the case. That as neither government could have any other wish beyond that of clearing up a transaction which might, if left unexplained, and as it now stood, upon *ex-parte* statements, create much irritation between the two countries, so the British government had no desire to screen any person whose conduct might have been improper or precipitate.

The American commissioners agreeing to the principles of lord Castlereagh's proposition, so far as related to the advantage of having a joint report upon the facts of the case, entertained doubts whether they could with propriety take such a duty upon themselves; and suggested that Mr. Beasely, from the situation which he held in this country, appeared to them better qualified for the task. Lord Castlereagh replied, that it was only from a desire of giving to any report which might be made, the sanction of the highest authority, that he had suggested the employment of the commissioners themselves; and deeming it of the most essential importance to satisfy the public in both countries on this subject, he was induced to prefer his original proposition; but that he must of course leave it to the American commissioners to decide whether Mr. Beasely was better fitted for this service, and that upon receiving the result of their consideration of the subject, the government would appoint some person properly qualified to meet the American gentleman who might be so selected; such person being either one of the late British commissioners at Ghent, or a commissioner of the transport board, according as the American commissioners might decide upon going themselves or sending Mr. Beaseley. Lord Castlereagh then entered upon the immediate release of the American prisoners of war detained in this country. After stating the inconvenience of retaining in confinement men who had a right under a treaty of peace to be liberated, he requested information as to whether Mr. Beaseley was proceeding in the measures which he understood to have been taken for conveying them back to America.

The American commissioners stated that Mr.

Beasely had certainly taken up some transports, on his own responsibility, previous to the receipt of instructions from America; but that the American government considered the restoration of prisoners to imply their re-conveyance to their own country by the power detaining them; and the American commissioners did not know whether Mr. Beasely had either authority or funds for continuing the service which he had, on his own view of the subject, commenced.

Lord Castlereagh stated, that he saw no objection to adopting some such measure as that which had been adopted in America, and proposed that such party should defray half the expense of conveying the prisoners from this country to America, leaving the ultimate construction of the treaty for future arrangements. But he remarked, that the article on which the doubt had arisen, being founded on principles of perfect reciprocity, it appeared to him scarcely consonant with those principles, that the only expense to be defrayed by the United States should be that of conveying the British prisoners from the United States to Bermuda or Halifax, while Great Britain should have not only to convey to America the American prisoners now in this country, but also to bring home from colonies nearly as distant as the United States all her own prisoners.

Extract of a letter from H. Clay and Albert Gallatin, esquires, to Mr. Beasely.

London, 18th April, 1815.

"At the request of lord Castlereagh, we have had interviews with him and Mr. Goulburn, on the subjects of the transportation of the American prisoners now in this country, to the United States, and of the late unfortunate event at the depot at Dartmoor."

"On the [latter] subject, as a statement of the transaction has been received from the American prisoners, differing very materially in fact from that which had resulted from an inquiry instituted by the port admiral, it has been thought advisable that some means should be devised of procuring information as to the real state of the case, in order on the one hand, to show that there had not been any wanton or improper sacrifice of the lives of American citizens, or on the other, to enable the British government to punish their civil and military officers, if it should appear that they have resorted to measures of extreme severity, without necessity, or with too much precipitation.

Lord Castlereagh proposed that the inquiry should be a joint one, conducted by a commissioner selected by each government. And we have thought such an inquiry most likely to produce an impartial and satisfactory result.

We presume that you will have too much occupation on the first subject, and the other incidental duties of your office, to attend to this inquiry in person. On that supposition, we have stated to the British government, that we should recommend to you the selection of Charles King,

esq. as a fit person to conduct it in behalf of the American government. If Mr. King will undertake the business, he will forthwith proceed to Dartmoor, and in conjunction with the British commissioner, who may be appointed on the occasion, will examine the persons concerned, and such other evidence as may be thought necessary, and make a joint report upon the facts of the case, to J. Q. Adams, esq. minister plenipotentiary of the United States at this court, and to the British government.

The mode of executing this service must be left to the direction of Mr. King and his colleague.—If they can agree upon a narration of the facts, after having heard the evidence, it will be better than reporting the whole mass of testimony in detail, which they may perhaps find it necessary to do, if they cannot come to such an agreement."

We are, &c. &c.

(Signed) H. CLAY,
ALBERT GALLATIN.

R. G. Beasely, esq. &c. &c. &c.

Mr. Charles King to Mr. Adams.

Plymouth, 26th April, 1815.

SIR,

In pursuance of instructions received from Messrs. Clay and Gallatin, I have now the honour to transmit to you, the report prepared by Mr. Larpent and myself, on behalf of our respective governments, in relation to the unfortunate transaction at Dartmoor prison of war, on the 6th of the present month. Considering it of much impor-

tance that the report, whatever it might be, should go forth under our joint signatures, I have forborne to press some of the points which it involves, as far as otherwise I might have done; and it therefore may not be improper in this letter to enter into some little explanation of such parts of the report. Although it does appear that a part of the prisoners were, on that evening, in such a state and under such circumstances as to have justified, in the view which the commander of the depot could not but take of it, the intervention of the military force, and even in a strict sense the first use of fire arms, yet I cannot but express it as my settled opinion, that by a conduct a little more temporizing, this dreadful alternative of firing upon the unarmed prisoners might have been avoided. Yet, as this opinion has been the result of subsequent examination, and after having acquired a knowledge of the comparatively harmless state of the prisoners, it may be but fair to consider whether in such a moment of confusion and alarm as that appears to have been, the officer commanding could have fairly estimated his danger or have measured out with precision the extent and nature of the force necessary to guard against it. But when the firing became general, as it afterwards appears to have done, and caught with electric rapidity from the square to the platforms, there is no plea nor shadow of excuse for it, except in the personal exasperation of the soldiery: nor for the more deliberate, and therefore more unjustifiable, firing which took place into three of the prisons, No.'s 1, 3, and 4, but more particularly into No. 3, after the prisoners had retired into them, and there was no longer any pretence of apprehension as to their escape. Upon this ground, as you, sir, will perceive by the re-

port, Mr. Larpent and myself had no difference in opinion, and I am fully persuaded that my own regret was not greater than his, at perceiving how hopeless would be the attempt to trace, to any individuals of the military, these outrageous proceedings.

As to whether the order to fire came from captain Shortland, I yet confess myself unable to form any satisfactory opinion, though perhaps the bias of my mind is that he did give such an order.—But his anxiety and exertions to stop it, after it had continued some little time, are fully proved; and his general conduct previous to this occurrence, as far as we could with any propriety enter into such details, appears to have been characterized by great fairness and even kindness, in the relation which he stood towards the prisoners.

On the subject of any complaints existing against their own government by the prisoners, it was invariably answered to several distinct questions put by me on that head, that none whatsoever existed, or had been expressed by them, although they confessed themselves to entertain some animosity against Mr. Beasely, to whom they attribute their detention in this country; with what justice, you, sir, will be better able to judge. They made no complaint whatsoever as to their provisions, and general mode of living and treatment in the prison.

I have transmitted to Mr. Beasely, a list of the killed and wounded on this melancholy occasion, with a request that he would forward it to the United States, for the information of their friends at home; and I am pleased to have it in my power to say, that the wounded are, for the most part, doing well.

I have also enclosed, to Mr. Beasely, the notes taken by me of the evidence adduced before us, with a request that he would have them fairly copied; as also a copy of the depositions taken before the coroner, and desired him to submit them to you when in order.

I cannot conclude, sir, without expressing my high sense of the impartiality and manly fairness with which this inquiry has been conducted on the part of Mr. Larpent, nor without mentioning that every facility was afforded to us in its prosecution, as well by the military officers commanding here and at the prison, as by the magistrates of the vicinity.

I have the honour to be,
Sir,
With much respect,
Your most obedient,
Very humble servant,
(Signed) CHARLES KING.

To his excellency, J. Q. Adams,
&c. &c. &c.

April 26, 1815.

Report of Messrs. Larpent and King, upon the occurrence at Dartmoor Prison.

We, the undersigned commissioners, appointed on behalf of our respective governments, to inquire into, and report upon the unfortunate occurrence of the 6th of April, instant, at Dartmoor Prison, having carefully perused the proceedings of the several courts of inquiry, instituted immediately after that event, by the orders of admiral sir John T. Duckworth, and major general Brown,

respectively; as well as the depositions taken at the coroner's inquest, upon the bodies of the prisoners, who lost their lives upon that melancholy occasion; upon which inquest, the jury found a verdict of "*justifiable homicide*," proceeded immediately to the examination, upon oath, in the presence of one or more of the magistrates of the vicinity, of all the witnesses, both American and English, who offered themselves for the purpose, or who could be discovered as likely to afford any material information on the subject; as well those who had been previously examined before the coroner, as otherwise, to the number in the whole of above eighty. We further proceeded to a minute examination of the prison, for the purpose of clearing up some points, which upon the evidence alone were scarcely intelligible, obtaining from the prisoners, and from the officers of the depot, all the necessary assistance and explanation, and premising that we have been, from necessity, compelled to draw many of our conclusions from statements, and evidence highly contradictory. We do now make upon the whole of the proceedings, the following

REPORT.

During the period which has elapsed, since the arrival in this country, of the account of the ratification of the treaty of Ghent, an increased degree of restlessness, and impatience of confinement, appears to have prevailed amongst the American prisoners at Dartmoor; which, though not exhibited in the shape of any violent excesses, has been principally indicated by threats of breaking out, if not soon released. On the 4th of this month in particular, only two days previous to the event the subject of this inquiry, a large body of

the prisoners rushed into the market-square, from whence by the regulations of the prison, they are excluded, demanding bread instead of biscuit, which had on that day been issued by the officers of the depot. Their demands, however, having been then almost immediately complied with, they returned to their own yards, and the employment of force, on that occasion, became unnecessary.

On the evening of the 6th, about 6 o'clock, it was clearly proved to us, that a breach or hole had been made in one of the prison walls, sufficient for a full sized man to pass; and that others had been commenced in the course of the day, near the same spot, though never completed: that a number of the prisoners were over the railing, erected to prevent them from communicating with the centinels on the walls, which was of course forbidden by the regulations of the prison; and that, in the space between the railing and those walls, they were tearing up pieces of turf, and wantonly pelting each other in a noisy and disorderly manner. That a much more considerable number of the prisoners were collected together, at that time, in one of their yards, near the place where the breach was effected; and that, although such collection of prisoners was not unusual at other times (the gambling tables being commonly kept in that part of the yard) yet when connected with the circumstances of the breach, and the time of the day, which was after the horn, the (signal for the prisoners to retire to their respective prisons,) had ceased to sound; it became a natural and just ground of alarm to those who had charge of the depot.

It was also in evidence, that in the building, formerly the petty officers' prison, but now the guard barrack, which stands in the yard, to which

the hole in the wall would serve as a communication, a part of the arms of the guard, who were off duty, were usually kept in the racks; and though there was no evidence that this was in any respect the motive which induced the prisoners to make the opening in the wall, or even that they were ever acquainted with the fact, it naturally became at least a further cause for suspicion and alarm, and an additional reason for precaution.

Upon these grounds captain Shortland appears to us to have been justified in giving the order, which about this time he seems to have given, to sound the alarm bell, the usual signal for collecting the offiers of the depot, and putting the military on the alert. However reasonable and justifiable this was, as a measure of precaution, the effects produced thereby in the prisons, but which could not have been intended, were most unfortunate and deeply to be regretted. A considerable number of prisoners in the yards where no disturbance existed before, and who were either already within their respective prisons, or quietly retiring as usual towards them, immediately upon the sound of the bell, rushed back, from curiosity, as it appears, towards the gates, where, by that time, the crowd had assembled; and many who were at the time absent from their yards, were also, from the plan of the prison, compelled, in order to reach their own homes, to pass by the same spot. And thus, that which was merely a measure of precaution, in its operation increased the evil it was intended to prevent.

Almost at the same instant that the alarm bell rang (but whether before or subsequent, is upon the evidence doubtful, though captain Shortland states it positively as one of his further reasons for causing it to ring) some one or more of the

prisoners broke the iron chain which was the only fastening of No. 1 gate, leading into the market-square, by means of an iron bar; and a very considerable number of the prisoners immediately rushed towards that gate, and many of them began to press forward as fast as the opening would permit into the square.

There was no direct proof before us of previous concert or preparation on the part of the prisoners, and no evidence of their intention or disposition to effect their escape on this occasion, excepting that which arose by inference from the whole of the above-detailed circumstances connected together.

The natural and almost irresistible inference to be drawn, however, from the conduct of the prisoners, by captain Shortland and the military, was, that an intention on the part of the prisoners to escape was on the point of being carried into execution, and it was at least certain that they were by force passing beyond the limits prescribed to them at a time when they ought to have been quietly going in for the night.

It was also in evidence that the outer gates of the market-square were usually opened about this time to let the bread wagon pass and repass to the store, although at the period in question they were in fact closed.

Under these circumstances and with these impressions necessarily operating upon his mind, and the knowledge that if the prisoners once penetrated through the square, the power of escape was almost to a certainty afforded to them, if they should be so disposed; capt. Shortland in the first instance proceeded down the square, towards the prisoners, having ordered a part of the different guards, to the number of about fifty only at first

(though they were increased afterwards) to follow him. For some time, both he and Dr. Magrath endeavoured by quiet means and persuasion to induce the prisoners to retire to their own yards, explaining to them the fatal consequences which must ensue, if they refused, as the military would in that case be necessarily compelled to employ force. The guard was by this time formed in the rear of captain Shortland, about two-thirds of the way down the square: the latter is about 100 feet broad, and the guards extended nearly all across. Captain Shortland, finding that persuasion was in vain, and that although some were induced by it to make an effort to retire, others pressed on in considerable numbers, at last ordered about fifteen file of the guard, nearly in front of the gate which had been forced, to charge the prisoners back to their own yards.

The prisoners were in some places so near the military, that one of the soldiers states, he could not come fairly to the charge, and the military were unwilling to act as against an enemy. Some of the prisoners also were unwilling and reluctant to retire, and some pushing and struggling ensued between the parties, arising partly from intention, but mainly from the pressure of those behind, preventing those in front from getting back. After some little time however, this charge appears to have been so far effctive, and that with little or no injury to the prisoners, as to have driven them for the most part quite down out of the square, with the exception of a small number who continued their resistance, about No. 1 gate.

A great crowd still remained collected after this, in the passage between the square and the prisoners' yards, and in the part of these yards in the vicinity of the gates. This assemblage still

refused to withdraw, and according to most of the English witnesses, and some of the American, was making a noise, hallowing, insulting, and provoking, and daring the military to fire; and according to the evidence of several of the soldiers, and some others, was pelting the military with large stones, by which some of them were actually struck. This circumstance is however denied by many of the American witnesses; and some of the English, upon having the question put to them, stated that they saw no stones thrown previously to the firing, although their situation at the time was such, as to enable them to see most of the other proceedings in the square.

Under these circumstances the firing commenced. With regard to any order having been given to fire, the evidence is very contradictory; several of the Americans swear very positively, that captain Shortland gave that order, but the manner in which, from the confusion of the moment, they describe this part of the transaction, is so different in its details, that it is very difficult to reconcile their testimony. Many of the soldiers and other English witnesses heard the word given by some one: but no one of them can swear it was by captain Shortland, or by any one in particular; and some, amongst whom is the officer commanding the guard, think if captain Shortland had given such an order, that they must have heard it, which they did not. In addition to this, captain Shortland denies the fact, and from the situation in which he appears to have been placed at the time, even according to the American witnesses, in front of the soldiers, it may appear somewhat improbable that he should then have given such an order.—But however it may remain a matter of doubt whether the firing first began in the square by or-

der, or was a spontaneous act of the soldiers themselves, it seems clear, that it was continued and renewed both there and elsewhere without orders, and that on the platforms, and in several places about the prison, it was certainly commenced without any authority.

The fact of an order having been given at first, provided the firing was under the existing circumstances justifiable, does not appear very material in any other point of view, than as showing a want of discipline and self-possession in the troops if they should have fired without orders.

With regard to the above most important consideration of "whether the firing was justifiable or not," we are of opinion, under all the circumstances of the case, from the apprehension which the soldiers might fairly entertain, owing to the number and conduct of the prisoners, that this firing, to a certain extent, was justifiable in a military point of view, in order to intimidate the prisoners, and compel them thereby to desist from all acts of violence, and to retire as they were ordered, from a situation, in which the responsibility of the agent and military could not permit them with safety to remain.

From the fact of the crowd being so close and the firing at first being attended with very little injury, it appears probable that a large proportion of the muskets were, as stated by one or two of the witnesses, levelled over the heads of the prisoners, a circumstance, in some respects, to be lamented, as it induced them to cry out "blank cartridges," and merely irritated and encouraged them to renew their insults to the soldiery, which produced a repetition of the firing, in a manner much more destructive.

The firing in the square having continued for some time by which several of the prisoners sustained injuries, the greater part of them appear to have been running back with the utmost confusion and precipitation to their respective prisons—and the cause for further firing seems at this period to have ceased. It appears accordingly, that captain Shortland was in the market-square exerting himself and giving orders to that effect, and that lieutenant Fortye had succeeded in stopping the fire of his part of the guard.

Under these circumstances it is very difficult to find any justification for the further renewal and continuance of the firing which certainly took place both in the prison yards and elsewhere, though we have some evidence of subsequent provocation given to the military, and resistance to the turnkeys in shutting the prisons, and of stones being thrown out from within the prison doors.

The subsequent firing appears rather to have arisen from the state of individual irritation and exasperation on the part of the soldiers who followed the prisoners into their yards, and from the absence of nearly all the officers who might have restrained it, as well as from the great difficulty of putting an end to a firing when once commenced under such circumstances. Captain Shortland was from this time busily occupied with the turnkeys in the square receiving and taking care of the wounded. Ensign White remained with his guard at the breach, and lieutenants Avelyne and Fortye, the only other subalterns known to have been present, continued in the square with the main bodies of their respective guards.

The time of the day, which was the officers' dinner hour, will in some measure explain this, as it caused the absence of every officer from the pri-

son whose presence was not indispensable there. And this circumstance which has been urged as an argument to prove the intention of the prisoners to take this opportunity to escape, tended to increase the confusion and to prevent those greater exertions being made, which might perhaps have obviated at least a portion of the mischief which ensued. At the time that the firing was going on in the square, a cross fire was also kept up from several of the platforms on the walls round the prison. where the sentries stand, by straggling parties of soldiers who ran up there for that purpose. As far as this fire was directed to disperse the men assembled round the breach, for which purpose it was most effectual, it seems to stand upon the same ground, as that in the first instance in the square. But that part which it is positively sworn, was directed against straggling parties of prisoners running about the yards and endeavouring to enter the few doors, which the turnkeys, according to their usual practice, had left open, does seem as stated to have been wholly without object or excuse, and to have been a wanton attack upon the lives of defenceless and, at that time, unoffending individuals.

In the same or even in more severe terms, we must remark upon what was proved, as to the firing into the door-ways of the prisons, more particularly into that of No. 3 prison, at a time when the men were in crowds at the entrance.

From the position of the prison and of the door and from the marks of the balls, which were pointed out to us, as well as from the evidence, it was clear, this firing must have proceeded from soldiers a very few feet from the door-way; and though it was certainly sworn, that the prisoners were at the time, of part of the firing at least, continuing to insult and occasionally to throw stones at the soldi-

ers, and that they were standing in the way of and impeding the turnkey who was there for the purpose of closing the door—yet still there was nothing stated which could in our view at all justify such excessively harsh and severe treatment of helpless and unarmed prisoners, when all idea of escape was at an end.

Under these impressions we used every endeavour to ascertain if there was the least prospect of identifying any of the soldiers who had been guilty of the particular outrages here alluded to, or of tracing any particular death, at that time, to the firing of any particular individual, but without success, and all hopes of bringing the offenders to punishment should seem to be at an end.

In conclusion, we the undersigned, have only to add, that whilst we lament, as we do most deeply, the unfortunate transaction which has been the subject of this inquiry, we find ourselves totally unable to suggest any steps to be taken as to those parts of it which seem most to call for redress and punishment.

(Signed) Charles King,
Francis Seymour Larpent.

Plymouth, 26*th April*, 1815.

Lord Castlereagh to Messrs. Clay and Gallatin.

Foreign Office, May 22d, 1815.

Gentlemen,

I lost no time in laying before the prince regent the report made by Mr. Larpent and Mr. King, respectively appointed on the part of his majesty's government, and that of the United States of Ame-

rica, to inquire into the circumstances of the late unfortunate occurrence at Dartmoor prison.

His royal highness has commanded me to express, through you, to the government of America, how deeply he laments the consequences of this unhappy affair.

If any thing can tend to relieve the distress which his royal highness feels on this occasion, it is the consideration, that the conduct of the soldiers was not actuated by any spirit of animosity towards the prisoners, and that the inactivity of the officers may be attributed rather to the inexperience of militia forces than to any want of zeal or inclination to afford that liberal protection which is ever due to prisoners of war.

But as his royal highness has observed, at the same time, with sincere regret, that although the firing of the troops upon the prisoners may have been justified, at its commencement, by the turbulent conduct of the latter, yet that the extent of the calamity must be ascribed to a want of steadiness in the troops, and of exertion in the officers, calling for the most severe animadversion. His royal highness has been pleased to direct the commander in chief to address to the commanding officer of the Somerset militia his disapprobation of the conduct of the troops, which it is trusted will make a due impression on the minds of the officers and men who were engaged in this unfortunate transaction.

As an additional proof of the sentiments which animate the prince regent on this occasion, I am further commanded to express his royal highness's desire to make a compensation to the widows and families of the sufferers; and I have to request that you, gentlemen, would make this known to your government, inviting them, at the same time, to co-operate with his majesty's charge d'affaires

in the United States in investigating the respective claims, for the purpose of fulfilling his royal highness's benevolent intentions upon this painful occasion.

I request that you will accept the assurance of the distinguished consideration with which I have the honour to be, &c.

(Signed,) CASTLEREAGH.

To Henry Clay, Esq.
and Albert Gallatin, Esq.

Copy of a letter from Messrs. Clay and Gallatin to Lord Castlereagh.

Hanover-Street, Hanover-Square,
May 24th, 1815.

My lord,

We have the honour to acknowledge the receipt of your lordship's official note of the 22d instant.

Having, as we have already informed your lordship, no powers on the subject to which it refers, we will lose no time in transmitting it to our government. We will also place in the possession of the American minister, near his britannic majesty's government, whose arrival here we daily expect, a copy of your lordship's note, together with a statement of what had previously passed respecting the unfortunate event at Dartmoor.

We embrace the opportunity of tendering, &c.

(Signed,) H. CLAY,
ALBERT GALLATIN.

The right honourable
Viscount Castlereagh, Secretary
of State for the Foreign Department, &c. &c.

Extract of a letter from Mr. Adams to the Secretary of State, dated June 23d, 1815.

"He (lord Castlereagh) then mentioned the late unfortunate occurrence at Dartmoor Prison, and the measures which had been taken by agreement between him and Messrs. Clay and Gallatin on that occasion. I said I had received a copy of the report made by Mr. King and Mr. Larpent, after their examination into the transaction, and of the written depositions which had been taken as well on that examination, as previously at the coroner's inquest:—that after what had been done, I considered the procedure as so far terminated, that I was not aware of any further steps to be taken by me, until I should receive the instructions of my government on the case.—From the general impression made on my mind from the evidence that I had perused, I regretted that a regular trial of captain Shortland had not been ordered, and I thought it probable that such would be the opinion of my government. He said that undoubtedly there were cases in which a trial was the best remedy to be resorted to, but there were others in which it was the worst.—That a trial the result of which would be an acquittal, would place the whole affair in a more unpleasant situation, than it would be without it.—That the evidence was extremely contradictory—that it had been found impossible to trace to any individual the most unjustifiable part of the firing, and that captain Shortland denied having given the order to fire. I admitted that the evidence was contradictory, but said that from the impression of the whole mass of it upon me, I could not doubt either that captain Shortland gave the order to fire, or that

under the circumstances of the case, it was unnecessary. It was true, the result of a trial might be an acquital, but, as it was the regular remedy for a case of this description, the substitution of any other was susceptible of strong objections, and left the officer apparently justified, when I could not but consider his conduct as altogether unjustifiable."

Mr. Baker, his britannic majesty's charge d'affaires, to the Secretary of State.

Philadelphia, August 3, 1815.

SIR,

In a communication made by viscount Castlereagh, his majesty's principal secretary of state for foriegn affairs, to Messrs. Clay and Gallatin on the 20th of last May, relative to the unfortunate occurrence at Dartmoor prison, his lordship expressed to those gentlemen, by the command of his royal highness the prince regent, how deeply his royal highness lamented the consequences of that unhappy affair, and that if any thing could have alleviated the distress which his royal highness felt on that occasion, it was the consideration that the conduct of the soldiers had not been actuated by any spirit of animosity towards the prisoners, and that the inactivity of the officers was to be attributed rather to the inexperience of a militia force, than to any want of zeal or inclination to afford that liberal protection which is ever due to prisoners of war. His lordship likewise informed them, that although the firing appeared to have been justified at its commencement by the turbulent conduct of the prisoners, yet that as the extent of the calamity was to be ascribed to a

want of steadiness in the troops, and of exertion in the officers, calling for the most severe animadversion, his royal highness has been pleased to direct the commander in chief to address to the commanding officer of the Somerset militia, his disapprobation of the conduct of the troops, so that a due impression might be made on the minds of the officers and men engaged in that unfortunate transaction.

As an additional proof of the sentiments which animated the prince regent on this painful occasion, his lordship was also further commanded to express to Messrs. Clay and Gallatin his royal highness's desire to make a compensation to the widows and families of the sufferers.

In reiterating these sentiments, on the part of his majesty's government, for the information of the president of the United States, I have the honour to acquaint you, that I have been directed to concert with the American government the most efficient means of carrying into execution these benevolent intentions of his royal highness, the prince regent, and shall be ready, with a view of expediting the arrangements to be made to proceed without delay to Washington for the purpose of communicating with you personally on the subject, should it suit your convenience to meet me there. I beg leave at the same time to suggest, as a necessary preliminary to any measures which may be adopted, that information should be procured from the different States with respect to the families of the sufferers, and any other circumstances which may facilitate the completion of the arrangements alluded to.

I have the honour to be, &c.

(Signed,) ANTHONY ST. JOHN BAKER.

The honourable James Monroe, &c. &c.

The Secretary of State to Anthony St. John Baker, esq. his britannic majesty's charge d'affaires.

Washington, Department of State,
December 11, 1815.

SIR,

I have had the honour to receive your letter of the 3d of August, communicating a proposition of your government to make provision for the widows and families of the sufferers in the much to be lamented occurrence at Dartmoor.

It is painful to touch on this unfortunate event, from the deep distress it has caused to the whole American people. This repugnance is increased by the consideration that our governments, though penetrated with regret, do not agree in sentiment, respecting the conduct of the parties engaged in it.

Whilst the president declines accepting the provision contemplated by his royal highness the prince regent, he nevertheless does full justice to the motives which dictated it.

I have the honour to be, &c.

(Signed) JAMES MONROE.

Anthony St. John Baker, esq.
his britannic majesty's charge d'affaires.

(B)

Devon, to wit: Informations of witnesses severally taken and acknowledged on the behalf of our sovereign lord the king, touching the death of John Haywood at the prison of war at Dartmoor in the parish of Lidford, in the county of Devon, the eighth day of April, in the fifty-fifth year of the reign of our sovereign lord king George the third, before Joseph Whiteford, gentleman, one of the coroners of his said majesty, for the said county, on an inquisition then and there taken on view of the body of the said John Haywood, then and there lying dead, as follows:

Thomas Edwards, a private soldier in his majesty's first regiment of Somerset militia, on his oath, saith—That he is stationed with the said regiment at the barracks at Dartmoor, adjoining the prison of war there. That on Thursday last the sixth day of this present month of April, he was on the guard called the west piquet guard, and at the hour of half past six in the evening was fixed as sentinel in what is called the barrack guard, which is situated within the walls of the prison, but the yard allotted to the prisoners is separated from the barrack-yard by a stone wall—that about the hour of seven in the evening of the same day, he, this informant, was near his post, when he heard a noise as if some persons on the other side of the wall were attempting to undermine it, whereupon he went to that part of the wall from whence the noise proceeded, and on looking at the wall he perceived that the mortar between the stones was moving at the height of between three and four feet from the ground, whereupon this informant immediately went to the corner of a buil-

ding which is called the cook house, and alarmed the sentinel nearest to this informant on the wall, and desired him to order the piquet out. That this informant then returned to the spot where he had seen the mortar moving, and by this time there was a hole made through the wall large enough for this informant to put his musket and bayonet through, and on looking through the hole in the wall he saw great a number of the prisoners, he believes to the number of three or four hundred assembled together near the hole in the wall; and he thinks that there were altogether upwards of one thousand assembled nearly around the same place. That this informant spoke to the prisoners through the wall, and ordered them off several times, but many of the prisoners declared that they would not go, and they still continued beating against the wall; and this informant observed that one of the prisoners had an iron bar in his hand, with which he was tearing down the wall and the prisoners within the prison were at this time hallowing and making a great noise; that the prisoners continued beating against the wall until they had made a hole in it large enough for the largest man in the prison to pass through, when this informant cocked his musket and presented it towards the prisoners, threatening to fire at them unless they desisted, when the prisoners abused this informant, asked him why he did not fire, and said he was afraid to do so, and they still continued tearing down the wall of the prison; that shortly after the piquet guard came to this informant's assistance, and then this informant left that part of the wall and went to his post; that lieutenant White of the same regiment commanded the piquet guard, and this informant heard him order the prisoners to go from the wall, but they

refused to do so, and still continued tearing the wall down; that some of the men of the piquet guard threatened to fire at the prisoners, but lieutenant White told them that they should not fire, and remained in the barrack-yard with his party, where the hole was; that about half past seven o'clock, whilst this informant was at his post, he heard the report of several muskets in the direction of the market-place, but did not leave his post; and at this time the prisoners was still beating against the wall on the inside at several different places, but after many muskets had been discharged they quitted the wall; that this informant remained at his post until he was relieved at half past eight o'clock, and during this time no musket was fired in the barrack-yard, and after this informant was relieved he did not hear the report of any muskets, and the firing had entirely ceased; and this informant further saith, that he was not within the walls of the prison, and did not see any musket discharged, but only heard the report of them.

(Signed) THOMAS EDWARDS.

Sworn before me,

(*Signed*) *Thomas Whiteford, Coroner.*

Samuel White, a lieutenant in his majesty's regiment of first Somerset militia, on his oath saith: that on Thursday last the sixth day of this present month April, he, this informant had the west guard of the prison of war at Dartmoor, and about half past six o'clock in the evening he was in the guard room, when in consequence of some information he received, he ordered out the guard, and proceeded with it to the barrack-yard, which adjoins that part of the prison distinguished by number seven, and is separated therefrom by a stone wall;

that Charles Edwards now present, was then a sentinel in the barrack-yard, and at his post, and at the distance of about fifteen yards from the post where Edwards was the sentinel, he, this informant, observed a hole in the wall, which separated the barrack-yard from the prison, large enough for a man of any size to come through; that at this time there were a great number of prisoners within the wall near the hole, and several of them tearing down the wall, and he particularly noticed two of the prisoners with iron bars in their hands removing the stones from the wall; that this informant spoke to the prisoners repeatedly, and desired them to desist from what they were about, and told them unless they did, the whole of the military would be called out, and obliged to commit violence to compel them to desist, but the prisoners still continued tearing down the wall, and repeated volleys of turf and stones were thrown through the opening the prisoners had made in the wall, and over it at this informant and the guard; and this informant was struck by some of the mortar and stones taken from the wall, and thrown at him by the prisoners, and several of the men complained of having been also struck with the stones thrown; that this informant did not see captain Shortland, the agent for the prisoners at war, in the barrack-yard after this informant came; that when this informant spoke to the prisoners who were about the wall, they abused this informant and the guard, declared they would not leave the spot, and said "*fire*," "*fire;*" that the prisoners within the walls of the prison were, throughout, in a state of disturbance, and whilst some of them were tearing down the wall, the rest were huzzaing and making a great noise, and at this time it was about the hour in the evening when the prisoners are

usually locked up in their different prisons ; that he, this informant, had been in the barrack-yard about fifteen minutes, when he heard the prisoners huzzaing and making a great noise adjoining the yard where the market is held, which is the principal entrance to the prison, and at the same time he heard the alarm bell ring, and the drum beat to arms, and immediately after he heard the report of a single musket, which proceeded as in a direction from the prison gates, leading into the market-place; and this informant then proceeded towards the market-place, to ascertain by whose orders the firing had commenced, leaving the piquet guard under the care of the sergeants, and in his way to the market-place, he heard several other muskets discharged in the same direction as the former, whereupon he immediately returned to his guard, without going to the market-place, and still found the prisoners tearing down the wall between the prison, and the barrack-yard, endeavouring to widen the breach. That the prisoners continued tearing down the wall, when some muskets were fired from the walls by the sentinels, towards the place where the breach was, whereupon the number of prisoners near the breach lessened considerably, many running towards their respective prisons, and others towards the principal gate. That some of the prisoners attempted to force their way through the breach, when he, this informant, ordered the guard to charge, and warned the prisoners against the consequences that would follow; that this informant, was at this time at the breach in the wall, and part of his body was through, to see what was passing within the walls, and he then observed that the principal rush of the prisoners was towards the main gate, leading to the market-place,

and just at this moment he, this informant, heard a volley of musketry discharged in the market-place, and immediately after, the prisoners began to retreat; and shortly after, this informant saw the guard and the rest of the soldiers who were not on guard, pass on the inside of the prison wall, opposite the breach, and they were drawn up in front of the prison, No. 7, and major Jolliffe was persuading the prisoners to go to their prisons, but many of them remained at the prison door, abusing the military. That after a considerable effort on the part of the guard, the prisoners were driven into No. 7 prison, and the door locked. That at the time this informant, heard the volley of musketry in the market-place, or immediately after, there were several muskets fired from the different platforms where the sentinels were placed, but the firing ceased instantly after the soldiers entered the prison yard; that this informant, remained with the guard until half past eight o'clock at night, when every thing was reported to be quiet, when by order of the field officer, the guard was returned to the guard room. that there was not a musket discharged in the barrack-yard, and he, this informant, saw no person killed or wounded; that when this informant, saw the prisoners rush towards the gates, they were in a very riotous, disorderly state, and they appeared to this informant, as if determined to force their passage through the gateway; that the soldiers on guard are directed to refrain from any communication with the prisoners, to prevent the prisoners from getting over the iron railing, within the walls of the prison, and likewise to prevent the prisoners from tearing down, or undermining the walls; that in case the prisoners do not desist from such practices when spoken to, the guard is to be alarmed, but the

sentinels are ordered not to fire unless in cases of absolute necessity, or where a prisoner or prisoners is, or are in the act of escaping from the prison. That on the fourth day of April, instant, this informant was also on the guard, and the prisoners were then very disorderly, and refused to obey the commands, insomuch that the guards were turned out, the alarm bell rung, and the drums beat to arms; and at this time, which was about seven o'clock in the evening, the prisoners had forced the gates of the prison, and had the possession of the whole of the market-place, and their demand was then for bread instead of biscuit, which this informant understood had been offered them instead of bread, there being much biscuit in store, but on the sixth day of April, instant, he did not hear the prisoners assign any cause for their conduct. And this informant further saith, that on the seventh day of April, instant, he attended admiral sir Josias Rowley, and captain Schornberg to the walls of the prison, and heard the admiral speak to the prisoners from the platform at the main gates, opposite the prison, No. 7, and requested to know their grievances, and why the breaches had been made in wall, and the gates forced, when one of the prisoners, whom this informant understood to be one of the committee, said in reply to the admiral, that there was no cause of complaint, and that the breach made in the wall, was to get a ball which had been thrown over the wall by some of the boys; that the prisoner said, that the chain at the gates was not sufficiently strong, and the press at the gates was so strong, that the gates were forced open, and one or two hundred rushed out, but that there was no intention to escape; that when this informant saw the prisoners breaking down the wall on the sixth day

of April, instant, the persons employed about it were all men, and they were all the time abusing the military, and during the time this informant was in the barrack-yard, no person asked for a ball, or said a ball had been thrown over the wall.

(Signed) SAMUEL WHITE,
Lieut. 1st Somerset regt. militia.

Sworn before me,
(*Signed*) *Jos. Whiteford, Coronor.*

John Mitchell, one of the clerks in the office of Thomas George Shortland, esq. the agent for prisoners of war at Dartmoor, in the parish of Lidford, in the county of Devon, on his oath saith: That on Thursday the sixth day of April instant, about a quarter before seven in the evening, he, this informant, was in his own room, the duty of the day having been finished, except receiving the evening report, when one of the turnkeys, called Richard Arnold, came to this informant's room, and in consequence of information which he gave, this informant walked towards the south guard, accompanied by Mr. John Bennett, store-clerk at the prison, and observed the officer of the guard on the platform, and this informant went on the platform and saw a great number of prisoners between the iron railing within the walls of the prison and the wall of the military way, which is a place where the prisoners are not permitted to go, and the prisoners were throwing peat and other light articles. That this informant then went to the guard-room, where there was a report that a breach had been made by the prisoners in the hospital wall, where he immediately went, but saw

no appearance of breach there. That he then returned to the lodge, and finding that the west guard were not at their post, he went to the north guard and requested the sergeant to assemble his guard, and they followed this informant to the station of the west guard. That this informant then went to the front of the principal entrance to the prison, and saw capt. Shortland in the front of the prison, and the gate of the prison nearest to the hospital was open, and the prisoners were coming through the gates of the prison towards the upper gates, in a body, at a quick pace, making a great noise, and using the word "keeno," which this informant has frequently heard the prisoners use, when they were bent on any thing. That capt. Shortland advanced towards the prisoners, calling on the guard to follow, form, and be steady, and directed them to keep possession of the market square. That this informant followed capt. Shortland, keeping between him and the military, and this informant heard capt. Shortland desire the prisoners to return quietly to their prisons, for fear of any unpleasant consequences, and he repeatedly urged the prisoners to return to their prison, but they still continued advancing, speaking in a riotous manner, and making a great noise; and at this moment he, this informant, also saw the surgeon, Dr. M'Grath, speaking to the prisoners, and he heard him persuade the prisoners to return. That at this time, he, this informant, observed a large body of prisoners assembled at the other gate, or the opposite side of the market-place, and proceeded towards this gate with an intention of observing their conduct minutely, but on hearing a noise on his left he turned around and observed the prisoners were much further up the square, more numerous, and part of the guards

had charged their bayonets towards the prisoners to force them down, and almost at the same moment he, this informant, heard the report of a musket discharged, and the sound came from where the guard were charged to force the prisoners down, but this informant did not see any person fall. That he, this informant, ran and got in the rear of the military, and almost instantly a discharge of musketry took place from the guards who were forcing the prisoners down, and shortly after he heard various discharges of musketry from different parts of the prison. That he, this informant, did not hear any person give orders to fire. That several muskets were fired in the market-square, but what number he cannot say, and immediately after the firing had ceased, he heard capt. Shortland call for turnkeys to take up the wounded. That this informant made his way through the military, with some of the turnkeys, and the first person he saw was a black man lying on the ground, on his face, apparently dead; and there was another man wounded in the square, and sitting in the centry box, but this informant did not notice any other. That there was then an outcry from the military for the key of the gate which leads to number five and seven prison, and this informant went and procured a turnkey, who brought the key and opened the gate, and after some of the military had passed in, this informant went inside the gate, and there saw a white man lying on the ground, also apparently dead; and at this time this informant heard the report of several single muskets, at different parts of the prison, apparently as if from the walls, and considering it unsafe, he retired behind the military, and went again to the lodge, where he remained until there was a call for turnkeys to shut

up the prison, when he procured the necessary turnkeys and sent them down, and then went towards the military himself, and at capt. Shortland's request, went to ascertain the number of prisoners who had been sent up, and afterwards, by order of capt. Shortland, went to the surgery ward of the hospital to receive the wounded, and ascertain their number; and whilst there he received thirty-four prisoners, who were wounded, and one dead man was also brought to the hospital by mistake. That this informant remained there until he was sent for by capt. Shortland to report the number. That at the time the first musket was fired, he thinks that there were about five hundred prisoners in the market-square, and the foremost of them were behaving in a very riotous and disorderly manner, quite disrespectful to capt. Shortland, and without appearing to pay the least attention to what capt. Shortland or Dr. Magrath were saying, and though requested to retire, they continued to advance, and seemed to this informant as if determined to force their way to the upper gates, which were then opened to permit the bread wagon to go out. That since the twenty-sixth day of March last, there has been much dissatisfaction among the prisoners in the prison, towards Mr. Beasely, the American agent, whom the prisoners understood was appointed to send them home; and on the fourth day of April instant, about seven o'clock in the evening, the prisoners got open the gates leading to the market-square, and came up and occupied the square until about ten o'clock, when they retired to their respective prisons. That this informant went to the gates and spoke to some of the prisoners, and also went inside amongst them, and asked what they came up for, when they re-

plied, it was because they had had no bread that day. That the transport board had permitted the contractor to issue biscuit, of which he had a store, for his contract, and it was arranged by capt. Shortland, that they were to have it only one day in a week, and the prisoners had been offered their rations of biscuit, which was one pound of biscuit instead of one pound and a half of soft bread, but they had refused to accept it throughout the day, but remained quiet till the evening. That on the sixth day of April instant, soft bread had been issued to the prisoners, as usual, and capt. Shortland had on the fifth, communicated to the committee for the prisoners, that he did not intend to issue any biscuit without further directions from the board. That this informant did not observe any thing thrown by the prisoners at the military, in the evening of the sixth, and did not see the prisoners armed with any offensive weapons. That if the prisoners had forced their way to the upper gate of the market-square, there would have been no obtacle to their getting out of the prison, as all the gates were open.—That about a quarter of an hour previous to this informant seeing the prisoners coming in a body through the gate, the usual horn, the signal for their retiring to their respective prisons, had been blown, and continued to blow nearly the whole of the time.

(Signed) JNO. MITCHELL.

Sworn before me,

(*Signed*) *Jos. Whiteford, Coroner.*

Richard Arnold, one of the turnkeys at the prison of war at Dartmoor on his oath saith—that on the 6th day of April instant, he, this informant was stationed at the lower gate in the market-square adjoining to the wall of the military hospital. That just before seven o'clock in the evening this informant went on the platform in the front of the gates of the prison leading into the market square when he saw a great number of prisoners between the iron railing and the military wall, which separates the military way from the prison, and went and reported the circumstance to Mr. Mitchell, and from thence went to Mr. Holmden the clerk of the agent at the prison, and then this informant returned towards the lodge, and there met Mr. Holmden with a guard, and he went into the prison with them to turn the prisoners from between the railing and the wall, and this informant went to the lower gate again. That just as this informant got to the gate he heard a sentinel call from the barrack-yard to a sentinel on the platform near the market-square, that the prisoners were breaking a hole through the barrack wall, and desiring him to call the guard. That this informant immediately went to the west guard and called them, and when the guard was turned out captain Shortland came through the lodge, and went with the guard to the barrack-yard, and this informant went there also, after having called the north and south guard to be in readiness if they were wanted.—That on coming into the barrack yard he observed a hole in the wall on the south side of the cook room large enough for a man to creep through, and he saw a great number of prisoners through the hole in the wall who were abusing the soldiers and the captain. That this inform-

ant then returned to the market-square leaving captain Shortland in the barrack-yard, and the horn was then sounding for the prisoners to turn into their respective prisons, when he observed a large body of prisoners collected between the iron railing in the front of the prisons, and they were attempting to force the gates which were locked and secured by an iron chain, and were very riotous.—That this informant went away to call the guard and met captain Shortland at the upper gate.—That the guard was outside by the guard house, drawn out, and captain Shortland called to them to follow him, and this informant returned with him, and by this time the prisoners had forced the gate, and many hundreds had assembled in the market square.—That captain Shortland desired the soldiers to draw up, be steady, and keep their ground, and the soldiers formed just across the square.—That this informant saw captain Shortland go up in front of the military and heard him desire the prisoners to go in, or otherwise he should be obliged to use means which he should be very sorry for. That the prisoners were very riotous, calling out "keeno," "keeno" several times, and advanced instead of retiring, when some of the soldiers came to a charge, and this informant made the best of his way to get in their rear, and just after he got in the rear he heard a single musket, and soon after he heard several muskets discharged, but the muskets were at first elevated so high, that he does not think a single shot touched either of the prisoners, and he then observed that many of the prisoners had got a great way in the yard, when some of them called out "fire you buggers, you have no shot in your pieces or guns"—when the military fired again and this informant heard a great cry amongst

the prisoners, and almost immediately he heard captain Shortland call for the turnkeys to help the wounded away.—That this informant saw one man dead in the gateway of prison No. 7, and saw several men carried towards the hospital wounded but he does not know any of them.—That this informant did not hear any person give orders to fire—that he was near to captain Shortland when the firing first began, and if captain Shortland had given any orders to fire he thinks that he must have heard them.—That between the first discharge and the second the prisoners had retreated from the market-square towards the prison, but had made a stand when the second firing commenced. That he did not see the prisoners armed with any offensive weapons, nor did he see them throw any stones at the military.—That the same evening, after the prisoners were locked up, he went into the prison yard, and saw several places in the wall where the stones had been taken out, but there was only one hole entirely through the wall.

(Signed,)

RICHARD ARNOLD.

Sworn before me,

(Signed,) *Jos. Whiteford, Coroner.*

Stephen Hall, one of the turnkeys at the prison of war at Dartmoor, on his oath saith: that on the sixth day of April instant, about a quarter before seven o'clock in the evening, he went into the market-square, and went to the lower gate, when he saw some of the prisoners come over in a body

from the wall which separates the barrack-yard from the prison, and they came to the gate next to the hospital, and forced the gate open, and went up towards the market-square; that this informant was close by captain Shortland in the square and heard the captain desire them to go back, but they said they would not; that there were some soldiers at this time formed in the market-square, and when the prisoners refused to retire they came to a charge, and then this informant went to the rear, when he heard a single musket fire; and at this time he had not heard any person give orders to fire nor did he hear any such orders given afterwards; that after the musket was fired he went towards the lodge, and heard several muskets fired, and shortly after heard the captain call for the turnkeys to bring up the wounded, when this informant went down and assisted in taking up two wounded men, one of them in the market-square and the other in the prison, and he also picked up one man dead in the market-square, but he does not know the man; that when this informant saw the prisoners coming across the yard towards the gate they were behaving in a very riotous manner, and this informant observed that they had some iron bars, and he thinks that three of the men had an iron bar each; that he did not see either of the men attempt to strike with them, and he did not see either of the prisoners throw any thing towards the military; that this informant heard the alarm bell ring just before he saw the prisoners come across the prison and force the gate; that after they had forced the gate this informant persuaded the prisoners to go back, but they refused to do so; that they made no complaints whatever in this informant's hearing; that on the seventh day of April instant, he was at the lower

gate, when he heard some persons who were walking between the railing, and they were talking about a black man that was killed, and this informant heard the prisoners say, if the black man had not been killed he would have killed captain Shortland, and that he had a knife in his pocket prepared to stab him ; that there was no person present with this informant at the time he heard this conversation, and he does not know the prisoners who were talking together.

(Signed) STEPHEN HALL.

Sworn before me,

(*Signed*) *Joseph Whiteford, Coroner.*

Richard Cephus, an American prisoner of war, on his oath saith : that he hath this day seen the bodies of several men lying dead at the dead-house in the hospital at Dartmoor, and amongst them he saw the body of John Haywood, a black man ; that John Haywood was in prison number four, with this informant, and on Thursday last, about half past five in the evening he went to the privy adjoining to prison number four, and had not been there above a few minutes. when he heard a firing of musketry as from the market-square and the ramparts around the prison; that at first there was a single musket which he heard the report of, and immediately after several volleys were fired; that about six o'clock he came out of the privy, and then saw John Haywood going down to go out of the prison, and asked him where he was going, he said he was going out to see what the firing was about, and parted from this informant ; that this informant went back to the privy, and about ten minutes after he heard that Haywood was dead.

but did not see him till this day; that this informant was not out in the prison-yard from four o'clock in the afternoon of the sixth day of April instant, until the following day about half past eight in the morning.

(Signed) the mark ⋊ of
RICHARD CEPHUS.

Sworn before me,
(*Signed*) *Joseph Whiteford, Coroner.*

George Magrath, surgeon at the hospital at the prison of war at Dartmoor, on his oath saith: that on the sixth day of April instant, about ten minutes before seven o'clock in the evening, whilst sitting in his own house, he heard the alarm bell ring on the outside of the prison and immediately ran out, and on arriving at that part of the military way which fronts the market-square, he saw a line of soldiers drawn up on the outside of the square fronting the outer gate; that on looking into the square he observed a considerable body of the prisoners advancing up the square, and having understood that the prisoners were breaking out, this informant with as much haste as he could, advanced towards them; as soon as this informant got amongst them, he began to exhort them to return quietly into the prison, and told them that he feared any attempt of that kind (meaning an attempt to escape) would be attended with serious consequences; that many of the prisoners told this informant that they were kept an unnecessary length of time in prison after they considered themselves as free, or some words to that effect; that this informant observed to them that their detention appeared to be entirely the fault of their own agent

Mr. Beasley, and several of those whom this informant had addressed appearing to be sensible of the truth of what this informant had advanced, went back and retired towards the gate leading into the prison from the market-square; that this informant continued to address himself to others, and whilst expostulating with them this informant saw the soldiers march down the square and form in a line fronting the prisoners, about the middle of the square, and during this time greater numbers of the prisoners were pressing up through the gate, and whilst this informant was still using language to those whom he addressed, calculated to induce them to return into prison, he heard a voice, but whose it was this informant did not know, ordering the soldiers to charge; that at this time captain Shortland was near to this informant, and he appeared to be employing the same means as he, this informant, was, to induce the prisoners to return to the prison; that on hearing the word charge given, he looked around (for his back was then to the soldiers and his face towards the prison) and found himself on the point of the soldiers' bayonets who were close to him —that he, this informant, was drove a considerable way at the point of the bayonet with the prisoners, when he found it necessary to make some attempt to extricate himself and succeeded in getting round the left wing which rested on the wall which separates the market-square from the hospital, and whilst this informant was endeavouring to get around, the firing commenced, at first he heard two or three muskets, but afterwards the discharges became more frequent, and almost amounted to a volley; that as soon as this informant had extricated himself, being apprehensive that his assistance might be required, in consequence of the

firing, he went to make preparation for the purpose; that this informant went to his own house and carried some instruments to the receiving-room of the hospital, where he awaited the arrival of some wounded men, but he did not see any of those who were killed on the spot until this morning; that this informant has this day examined the body of a black man, stated to be called John Haywood, and found that the ball had entered a little posterior to the acremien of the left shoulder, passing obliquely upwards, it made its egress about the middle of the right side of the neck, and in the judgment of this informant, he died of that wound, which appeared to have been inflicted by a musket ball; that this informant at the time the order was given to charge was in warm conversation with the prisoners, and therefore cannot take upon himself to say who gave the order, but this informant heard no person give an order to fire; that there was a great deal of confusion among the prisoners and therefore he cannot speak to the general conduct of the prisoners; but those to whom this informant spoke appeared disposed to listen to him, and many receded towards the gate among those with whom this informant had been conversing; that the number of the prisoners that were assembled in the market-square, he cannot say, or even form an estimate, but there was a considerable crowd together, and during the time this informant was in conversation with the men, they were pressing forward in a body; that as the whole of this informant's attention was engrossed with a few to whom this informant addressed himself, he cannot take upon himself to give any opinion as to the necessity of coercion; but this informant is of opinion, that the prisoners ought not to have been in that situation at so late an hour in

the evening; that there was a great clamour of voice and a general murmur among the prisoners, but this informant did not observe them proceed to any acts of violence before he came away; that after he came away, and in going to his own house, and from thence to the hospital, he heard the discharge of musketry, and this informant's attention was not attracted to it above two or three minutes, but whether it continued beyond that time he cannot say.

(Signed) GEORGE MAGRATH.

Sworn before me,

(*Signed*) *Joseph Whiteford, Coroner.*

John Odiorne, a citizen of the United States of America, on his oath, saith, that he has been at the prison of war at Dartmoor ever since the twenty-ninth day of September last. That on Thursday last, the sixth day of April instant, a little after six o'clock in the evening, he was at the store in market-square, standing by the door; and the wagon with the bread for the prisoners was partly unladen, when this informant heard some person talking loud at the gate at the upper end, and went around the wagon to see who it was, and saw captain Shortland advancing into the yard; and he was giving his orders to the turnkeys at the lodge in a loud voice; and Richard Arnold spoke to him, and told him something about the wall, when captain Shortland said, "damn you, why did not you tell me about it before; ring the bell, call the guard out." That the guard immediately followed captain Shortland into the

yard, when he ordered them to form across the yard, about two thirds of the way down; that there were not soldiers enough to stretch across the yard, and they formed with their right on the southern wall, leaving some distance between their left and the northern wall. That captain Shortland used some harsh expressions to the guard, and bid them form on the northern wall, for that was the place where the prisoners were coming; and just as captain Shortland gave the orders, this informant saw the prisoners force the gate No 1, which adjoins the hospital wall; and before this time this informant had not seen a single prisoner in the market-square, except those who were employed with him. That there could not have been a body of men in the square without the informant's seeing them, as at this time he was on the steps, at the store, which is about ten feet high, and commands a complete view of the square. That after the prisoners had advanced to the distance of between twenty-five or thirty feet, captain Shortland then ordered the men to charge upon them, and the soldiers charged upon the prisoners, when they retreated into the yard, leaving one man behind, who appeared to this informant to have fallen down, and a soldier was standing over him with a bayonet, threatening to stab him if he did not get up; and the man on the ground appeared to be drunk, but this informant could not hear what he said. That after the prisoners had retreated within the prison, this informant saw an officer put his hand to the gate which opened against the hospital wall, as this informant thought to shut the gate; but instead of shutting it he retreated to the soldiers, at a little distance from the gate, when he heard an order given to fire by captain Shortland, as the informant sup-

posed, for he was looking directly at him. That the order was not instantly complied with as soon as a musket might have been fired; but in a few seconds a musket was fired by a person at the right of captain Shortland, a few paces in advance of the others, and immediately after two muskets were fired to the left of captain Shortland, by the hospital wall, and after that there was a general discharge; and immediately after the general discharge a party of soldiers marched into No. 1 yard, through the gate, and fired a volley, and then wheeled about and returned into the square, and after the soldiers had returned into the square and formed into line, the officer ordered them to fire, and immediately the whole line across the square fired into the yard, after which the line broke up and advanced into the yard, and this informant could not see any further, but he heard the the reports of guns in the yard. That soon after this informant saw a prisoner coming out of the yard bringing a prisoner on his back, and a corporal or sergeant spoke to the man, abused him, called him a coward. and said, "this comes of your keeno." That this informant spoke to the sergeant or corporal and abused him for having spoken so to the wounded man; but by the advice of Mr. John Arnold he went into the store, and remained there all night. That about forty minutes, or forty-five, before he saw captain Shortland he was in No. 7 prison yard, and he did not perceive there was any thing the matter; there was a great crowd round the gambling tables as usual, but he was not near the place where this informant has seen the holes mended in the wall; that he saw a small hole in the wall, the day before. about six or seven inches in depth, and on inquiring what it was done for, some person said it was done to

make quoits with. That this informant never heard that the hole was made for boys to go out and fetch their balls And this informant further saith that he did not see Dr. Magrath in the square addressing the prisoners, nor did he see him either go in or out.

(Signed) JOHN ODIORNE.

Sworn before me,

(Signed) *Jos. Whiteford, coroner.*

Addison Holmes, a citizen of the United States of America, on his oath: saith, That on Thursday, the sixth day of this present month of April, between the hours of five and six o'clock in the evening, he was at the lower part of the yard of the prison No. 3, and understanding that a hole had been broken through the wall in the prison No. 7, by the boys, to get at their balls, he was going to see it; and hearing the alarm bell rung, he went into the market-square, having found the gate open, and there were about a dozen prisoners in the square, and a great many more followed after him; he was going up to see what the alarm bell was rung for, when he saw the troops entering the outer gate of the square, and captain Shortland was with them. That as the troops came through the gate, they were paraded across the square; and this informant saw Dr. Magrath, at the left of the troops, talking to about a dozen of the prisoners, advising them to go down to the prison quietly; and some of them turned and went towards the gate, but others were talking with him still. That at this time there was a considerable body of prisoners in the rear.

That captain Shortland was in front of the troops, and about the middle of them, speaking to one man, who wanted to say something to him; but it appeared that the captain would have no conversation with him, and pushed him from him twice, when the man turned about and was going down slowly. That the captain then turned round and ordered the troops to charge their bayonets, twice; but they did not do so until they were ordered by one of their own officers, and then the troops charged their bayonets and the prisoners were forced on before them, and Dr. Magrath being in front, stepped in between two bayonets, and got to the rear. That this informant stepped aside, and got between two sentry boxes and the troops passed him; and by this time the prisoners were forced to the gate, had got inside the prison, and shut the gate after them; but captain Shortland, who was in front of the troops, shoved the gate open, and this informant thinking it was a good opportunity for him to get in, pushed on between two men, and then saw that captain Shortland had hold of a musket, and immediately that musket was discharged; but whether captain Shortland pulled the trigger or not, this informant does not know, and immediately after there was firing at the left. That captain Shortland had ordered the troops to fire before he took hold of the musket. but he was not obeyed, and then took hold of the musket, and he believes the soldier had hold of it at the same time. That just after the firing at the left, as he, this informant, was passing between two men, one of whom had discharged his musket, this man was hauling his musket back to stab this informant, and before he drew it past this informant, he, this informant, unshipped the bayonet; and threw it on the ground, and then pushed off the

bayonet on the left with his arm, and got in round the gate, when the soldiers immediately fired another round, and he saw a man fall. That this informant stopped a few minutes, and the soldiers fired several rounds, and this informant went around the prison No. 1, to the prison No. 3, and the soldiers were firing from the walls up the prison. That this informant got into the prison No. 3, when two rounds were fired into the prison door which killed one man and wounded another; but who it was that was killed he does not know. That directly after this the prison doors were shut, and he heard no more of it. That he cannot say what was doing in the yard of prison No. 7, as he was not there: but the prisoners in the yard of prison No. 3 were walking the yard quietly, it being just before the time of turning in when he heard the alarm bell.

(Signed) ADDISON HOLMES.

Sworn before me,

(Signed) *Jos. Whiteford, Coroner.*

John Arnold, steward of the prisoners in health, at the prison of war at Dartmoor, on his oath, saith: That on Thurday the sixth day of April, instant, about seven o'clock in the evening, he was at the door of the contractor's store in the market-square, receiving bread from a wagon into the store, and John Odiorne, an American prisoner was with him, when suddenly he heard a great noise at the bottom of the square, and some persons were saying, that the prisoners were pulling down the barrack wall, and the soldiers were running through the military way, as this informant

supposed to get their arms, and almost immediately after the alarm bell was rung, and the drums beat to arms, and the horns sounded; that soon after this informant saw a great body of prisoners between the railing and the market-square, and some prisoners were in the market-square. That just about this time, he, this informant, saw Dr. Magrath and Mr. M'Farlane, the surgeons, go down the market-square, and just after, captain Shortland also came into the market-square, and the soldiers marched in with their officers. That this informant ordered the wagon away, not thinking it safe to let it remain, as the prisoners were at this time very riotous, and just as this informant had ordered the wagon away, the prisoners burst open the gate next the hospital, and rushed in the market-square in a very large body, and at this time the outer gates were all open to permit the wagon to pass, and this informant believed, at the time, that the prisoners taking advantage of the circumstance, were endeavouring to effect their escape. That the soldiers were formed across the square, and the prisoners had advanced in a body, in a riotous manner, calling out "keeno," close to the soldiers within musket length or thereabout, when the soldiers immediately charged upon the prisoners, but this informant did not hear any order to charge given, and this informant thinks, that from the noise made by the prisoners, it was impossible to hear any word of command. That the soldiers drove the prisoners at the point of their bayonets within the gates of the prison, whereupon the prisoners turned their faces towards the soldiers, still continuing assembled together in a large body, and began to throw stones at the soldiers, and from the appearance of the size of the stones, he, this informant, has no doubt but that some of them were five or six pounds in weight. That the prisoners threw a

great number of stones, and continued doing so for about two minutes, when this informant saw one of the muskets from the soldiers discharged towards the prison-yard, and within a minute afterwards, he saw the whole party fire their muskets, and it appeared to this informant, that the muskets were elevated above the prisoners. That there was a large body of the prisoners assembled in the three yards in front of the gate, and stones were throwing in all directions towards the military, when this informant saw the soldiers fire their muskets towards the prisoners, and about this time, he saw Dr. Magrath and Mr. M'Farlane, run up the market-square, and soon after he saw a man brought up wounded. That this informant was standing on the steps of the store all the time before alluded to, and could distinctly see what was passing, except when the soldiers were involved in the smoke That Odiorne and six or seven American prisoners were standing on the steps of the store, and they all saw the prisoners throwing stones at the soldiers; and this informant remarked to them, that if the prisoners continued to assault the soldiers so, some of them would be shot. That this informant, never heard captain Shortland give any directions to the soldiers to fire, and he was so near to Odiorne, that if orders had been given which he might have heard, he, this informant, must have heard also, as he has as quick an ear as most people. And this informant further saith, that the firing was very irregular, and it did not seem like firing in obedience to orders; and this informant further saith, that it appeared to him the soldiers were in danger from the stones thrown at them by the prisoners.

(Signed) JOHN ARNOLD.

Sworn before me,

(Signed) *Jos. Whiteford, Coroner.*

William Gifford, a private soldier in his majesty's first regiment of Somerset militia, on his oath, saith: that on Thursday, the sixth day of this present month of April, about half past six o'clock in the evening, he, this informant, was posted as sentinel in the market-place, at the gate adjoining the hospital wall; that about half an hour after this informant had been posted, he heard the prisoners huzzaing in the yard of prison No. 7, and soon after the west guard to which this informant belonged, was called for; that this informant then saw a prisoner come from No. 7 yard, with an iron bar in his hand, and a great number of prisoners were following him, and the prisoner who had the bar, broke the lock of the gate where this informant was sentinel, with it, and and the prisoners rushed out as fast as they could come, crying out "keeno;" whereupon the alarm bell was rung, and part of the north guard came into the market-square, and captain Shortland was with them; that the soldiers formed on the left side, where the crowd of prisoners were forcing up, there not being enough to form across the yard; that captain Shortland spoke to the prisoners, and ordered them back, but they did not go, and at this time, they were so close to the military, that they could be touched by the bayonet; that captain Shortland ordered the soldiers to charge, which they did, and forced the prisoners almost to the prison gate, but they would not go into the prison-yard, and stood fast at the gate; that the prisoners then began to throw stones at the soldiers, and this informant saw several of the men's caps knocked off with the stones; that the prisoners were very riotous, huzzaing and throwing a great number of stones or brick at the soldiers, when this informant heard the word fire given by

some person, but whom he does not know; that this informant immediately heard a discharge of musketry, and saw that the muskets were presented in the air; that the prisoners still continued huzzaing and throwing stones at the military, when the soldiers began to fire towards the prisoners, and this informant afterwards saw two men, like prisoners, lying in the market-place, apparently dead, one on the right side of the guard and the other on the left. That the soldiers then went into the different prison yards to turn the prisoners in, and this informant heard some firing in the yards. That major Joliff had the command of the first Somerset regiment of militia, but he was not present when the first firing commenced. And this informant further saith, that the stones thrown at the soldiers, were large enough to have killed some of them, and the stones were thrown so thick, that it appeared to this informant, the soldiers were in great danger; that this informant did not discharge his musket at all; that this informant, was near to captain Shortland, when the prisoners were forced to the prison gate, and he never saw captain Shortland with a musket in his hand, or attempt to take a musket, if he had, he, this informant, thinks that it was impossible for him not to have seen it. That he never heard captain Shortland give any orders to fire, and this informant was so near to him, that he thinks he must have heard him, if he had given any such orders. That whilst the prisoners were huzzaing, many continued calling out, " murder the rascal," by which this informant understood, they meant captain Shortland, and this was before any firing took place. And this informant, further saith, that

he did not hear or see a musket discharged on the evening of the sixth day of April, instant, before the prisoners began to throw stones.

The mark of
X
WILLIAM GIFFORD.

Sworn before me,
(Signed) *Jos. Whiteford, Coroner.*

James Groves, a private soldier in the first regiment of Somerset militia, on his oath, saith: that he was placed as sentinel in the barrack-yard at Dartmoor prison, on the 6th day of April instant, and was relieved by Thomas Edwards at half past six o'clock in the evening. That about five o'clock in the evening a ball was thrown over the wall close by the old cook room, which is now the armourer's shop, and the armourer was there at the door at the time, and he caught up the ball and threw it over the wall into the prison again. That this informant saw no other ball whilst he was on sentry, and no person whatever called to this informant to throw over any ball. That just at the time the armourer was about to throw the ball over, some person from the prison called out, "throw the ball over," but after the ball was thrown over this informant heard no further call. That whilst this informant remained on sentry he did not hear any attack upon the wall, and saw no breach whatever therein.

The mark of
X
JAMES GROVES.

Sworn before me,
(Signed,) *Jos. Whiteford, Coroner.*

David Spencer Warren, a citizen of the United States of America, on his oath, saith, that on Thursday last, the 6th day of April instant, in the evening, about half an hour before the usual time of turning in the prisoners, he heard the alarm bell, and went up to the gate of the yard of the prison No. 1; and when he arrived there, he saw a number of prisoners in the market-square, and a number of soldiers were in the square, and captain Shortland was at the head of one party of them, and he was forming a line across the yard, which after he had done, he told them to charge. That the soldiers did charge on the prisoners, who ran back into the prison yard; and captain Shortland and the soldiers followed them to the gate; and as the prisoners got inside the gate, they flung one of them to. That captain Shortland ordered one of the soldiers to fire, and immediately there was a soldier with his musket turned to the right, and captain Shortland caught hold of the musket, and pointed it towards a man that stood by the gate, and said, "God damn you, fire"—that directly after this a fire of musketry became general. That this informant went through No. 1 prison, and into No. 3, and was in prison No. 3 when the soldiers fired into the prison No. 3; and there was a man called Smith, a shipmate of this informant, wounded, and he also saw a man fall on the inside of the prison, but whether he was killed or wounded this informant cannot say. That this informant did not see any of the officers with the soldiers when captain Shortland gave the orders to fire. That after the firing began he saw some stones, he believes two or three, thrown by the prisoners over the wall into the square—he saw one of them about as big as his fist. That this informant did not observe whether

the muskets were elevated at the first firing, but he did not see any man fall, and therefore he remarked to some of the prisoners, that he thought thought they were blank cartridges. That this this informant was not in the yard of No. 7.

(Signed,) DAVID S. WARREN.

Sworn before me,

(Signed,) *Jos. Whiteford, Coroner.*

James Greenlaw, a citizen of the United States of America, on his oath saith: That on Thursday, the sixth day of April inst. he was in No. 3, yard, near the door of the prison, when he heard the alarm bell ring; that he went from thence towards the railing, at the entrance in the market-square, and saw some prisoners in the market-square, and at the same time he saw the troops coming through the market-gate, with captain Shortland at their head, and saw him form the men in one line, extending across the square, and he then ordered them to charge, whereupon the prisoners retreated into the prison-yard, when this informant heard capt. Shortland give orders for the soldiers to fire upon the prisoners, and thereupon this informant ran into No. 4 yard, for shelter, and as this informant turned to go back again he saw two black men, whom he did not know, fall. That as soon as this informant thought the firing had ceased, he ran up towards the grating to speak to capt. Shortland, and asked if he would allow him to speak to him, when capt. Shortland said, "no, you damned rascal!" whereupon two soldier officers put their swords through the iron railing towards this informant, and one soldier

pricked him with his bayonet. That this informant then retreated into No. 3 yard, and he then heard two distinct volleys, and the soldiers shortly after came into No. 3 yard, when he retreated into No. 3 prison and sat down inside to assist in dressing a wounded man, and a moment after this he heard two distinct volleys fired into the prison, which killed one man and severely wounded another. That this informant did not see any stones thrown from the prison into the square until the firing had commenced, and then he saw two stones thrown over the wall from No. 4 prison. That this informant was not in No. 7 prison yard.

(Signed) JAMES GREENLAW.

Sworn before me,

(*Signed*) *Jos. Whiteford, Coroner.*

Thomas Burgess Mott, a citizen of the United States of America, on his oath, saith: That on the sixth day of April instant, this informant was in prison No. 5, when some persons came to him, as being one of the committee for the prisoners, and in consequence of information they gave, he procured some assistance, and was going out of the door of the prison to go towards a wall where he understood some men and boys were breaking, to prevent it, and just as he came to the door of the prison, he heard a fire of musketry, as from the gate-way of the market-square, and met a crowd of prisoners retiring to their prisons, apparently in great confusion. When most of the people had passed, he met a man between No. 5 and No. 6 prisons, who was wounded and bleed-

ing very much, and the man leaned on this informant, and he was proceeding towards the gateway to take him to the surgeon, but the fire of musketry and the balls came so thick that he stepped forward a step or two to request permission to take the wounded man away, but he believes he was not heard. That he then returned to the back of No. 5 cook-house, out of the way of the fire, where several others were standing, and they had not opened a fire from the ramparts of the lower wall which commanded the lower door of No. 5 prison; but as this informant and the others turned from the place to go into the prison, a fire of musketry was discharged towards the only door which was open of No. 5 prison, and shortly after this informant saw two men in the prison dead, but he does not know their names himself, or where they were killed, and he saw also several others wounded.

(Signed) THOS. B. MOTT.

Sworn before me,

(*Signed*) *Jos. Whiteford, Coroner.*

Enoch Burnham, a citizen of the United States, on his oath, saith: That on Thursday the sixth day of April instant, about half past six o'clock in the evening, he went to the railing of the market-place and remained there about half an hour, when he saw a crowd of the prisoners making a noise, but the principal part of them were youngsters, full of mischief, and they came, some of them,

between the two railings, and he saw seven or eight go into the market-square, but there was no great body there. That at this time he saw some soldiers come down the square, and captain Shortland with them, and the soldiers charged upon the prisoners, who retreated into No. 1 prison yard without making any resistance. That this informant remained at the gate when the military began to fire, and at this time there was no crowd of prisoners within the gate—there might have been forty or fifty men. That when the firing commenced he retreated into the prison yard and lay down by the wall, and the prisoners who were about the gate also retreated. That this informant lay by the wall about five or seven minutes, when this informant went up by the barrack wall, towards where there was a hole, and the soldiers then began to fire from the ramparts of the south wall, when he went to No. 7 prison, and got as far as the steps, when a heavy firing again commenced from the wall, and this informant lay down to save his life for about four or five minutes, and then got into the prison and was going through to go to his own prison, and had got to the steps when the firing commenced from the platform next to the south corner, whereupon he retreated into No. 7 again and went into the north end and saw one prisoner in the yard who appeared to be wounded, and he ran back against the wall and he saw several soldiers raise their muskets and fire at him and he fell immediately, but this informant does not know who the man was. That this informant saw the wounded man lift up his hands towards the soldiers before they fired. That this informant did not see any stones thrown, but he heard some of the youngsters speak about throwing stones. That

he did not hear the word to fire given, and he was near the gratings, when the military first began to fire they were at some distance from the gratings.

(Signed) ENOCH BURNHAM.

Sworn before me,

(*Signed*) *Jos. Whiteford, Coroner.*

Robert Holmden, first clerk to captain Shortland at the prison of war at Dartmoor, on his oath, saith: that on Thursday, the sixth day of April instant, Richard Arnold, the turnkey, reported to this informant, that the prisoners had got over the iron railing, near the south guard; whereupon he, this informant, went to an officer on the ramparts, and from him understood that a guard was going in to turn them out, and on returning to the entrance gate, he met the guard going down. That there was also a rumour that a hole had been broken in the hospital wall; whereupon he went and reported it to captain Shortland, who came out of the house, and went with this informant to the entrance gate, when they understood the hole was in the barrack wall, and captain Shortland, with sergeant Manning and some soldiers, went to the barrack yard, and found that a hole large enough for a person to creep through had been made. That captain Shortland cautioned some prisoners who were looking through the aperture in the wall, and recommended them to retire, but they remained there; and a guard was left at the breach, and captain Shortland and this informant returned to the entrance gate, and had not been there long, when it was reported to captain Short-

land, that the prisoners had forced one of the lower iron gates: whereupon captain Shortland ordered the alarm bell to be rung; and as soon as the guard could be collected, he went with them into the market-square; and at this time he, this informant, saw a great number of prisoners coming up the north side of the yard in a riotous and disorderly state; that after a short time had elapsed he, this informant, heard one shot fired, which was followed by several others. That he did not go down amongst the prisoners, or see what took place there.

(Signed,) ROBERT HOLMDEN.

Sworn before me,

(Signed,) *Jos. Whiteford, Coroner.*

Homer Hull, a citizen of the United States of America, on his oath, saith: that he is in the prison No. 3. that on the sixth day of April instant, he, this informant, was walking in the lower part of the prison-yard No. 7 about six o'clock in the evening, when, in consequence of a report he heard in the prison, he observed some drunken men breaking down the wall which separates the barrack-yard from No. 7 yard; and one of the soldiers called from the wall at the corner of the barrack-yard, and said, "go in men, they are going to charge upon you." That this informant went away towards the prison No. 3, and had to go out of No. 7 yard, near the market-square, when he saw some drunken men, about half a dozen in number, at the gate leading into the market-square, attempting to force it—one of them had

a small iron bolt in his hand, and they succeeded in getting the gate open. That the man who forced the gate went a few yards into the square before any followed him, and then some others went in. That just at the time the gate was forced open, he saw some soldiers come into the market-square at the upper gate, and captain Shortland was with them. And at this time this informant thinks there were about sixty men in the square—that the soldiers marched about two thirds of the way down, when captain Shortland gave the soldiers orders to charge, and the soldiers accordingly charged; when the prisoners retreated into the prisons, and one of them shut to the gates; and the soldiers marched down a little further, when captain Shortland ordered them to fire—that this informant went to his own prison, and tried to get in, but the crowd was so great that he could not succeed—that he tried at other prisons, but could not get in, and *there succeeded.** That the alarm bell had not rung when the soldier first ordered them to go into their prisons. That this informant heard the alarm bell ring just after the man ordered them to go into their prisons. That he did not see any stones thrown before the musketry began to be discharged, but afterwards he saw a stone thrown from the prison-yard towards the square.

(Signed,) HOMER HULL.

Sworn before me,

(Signed,) *Jos. Whiteford, Coroner.*

* So in original.

Robert M'Farlane, assistant surgeon at the prison of war at Dartmoor, on his oath, saith: that on Thursday, the sixth day of this present month of April, about seven o'clock in the evening, or rather afterwards, he was at the outer gate of the prison, when he heard the alarm bell ring, and immediately went to the lodge; and seeing the guard drawn up in line in front of the guard house, he observed captain Shortland walking by himself from the barrack-yard towards the guard. That this informant turned round and looked down the market-yard, and saw a multitude of prisoners proceeding up the square; whereupon he went down with Dr. Magrath, who came just at this moment, and began to reason with a number of prisoners there on the unnecessary steps they were taking—that some of them seemed to pay attention to what this informant said, and turned aside towards the prison, but others said they were not prisoners of war, and that they were determined to be out—one of whom had a stick behind his back in his hand. That this informant saw captain Shortland reasoning with a number of them to go back into the prisons, but they used very abusive language towards him, and this was in front of the guard—that this informant had taken two by the shoulders, and was insisting upon their going back; and on looking back, the guard had charged, and this informant with great difficulty got himself extricated from between the bayonets—that by the time this informant got to the rear of the guard a single musket was fired, and immediately after several others—that this informant heard no order given to fire—that captain Shortland was at the south end of the guard, and this informant thinks if he had given orders to fire he must have heard it—that at the time the

first musket was fired nearly one third of the market-square was filled with the prisoners, making a great noise in a very riotous and disorderly manner, and stones were throwing by the prisoners from all quarters, and one large stone fell about a yard from this informant—that immediately after the firing commenced, and this informant had got to the rear, he went away to the hospital—that from the number and size of the stones which were thrown, if he, this informant, had been obliged to remain on the spot where the soldiers were, he should have apprehended great danger to his person.

(Signed,) ROB. M'FARLANE.

Sworn before me,
(Signed,) *Jos. Whiteford, Coroner.*

John Tozer, one of the turnkeys at the prison on his oath, saith: that on Thursday the sixth day of April instant, about seven o'clock in the evening, the turnkeys were called into the market-square, and he found that it was to take up some dead and wounded prisoners—that he went to the lower-market gate and just inside the gate he took up a black man dead, and assisted in carrying him to the bathing place in the hospital, that the man appeared to be about thirty—but this informant should not know him again.

(Signed,)
JOHN TOZER.

Sworn before me,
(*Signed,*) *Jos. Whiteford, Coroner.*

Joseph Manning, sergeant in the first Somerset regiment of militia, on his oath, saith: that on Thursday, the sixth day of this present month of April, about seven o'clock in the evening he was in the military way, when he saw captain Shortland and reported to him that the prisoners had made a hole in the wall leading to the barracks, and he went with this informant, an officer, and some other persons, to see it—that this informant kept before captain Shortland and went away to the breach first, and saw the prisoners pulling the wall, and he desired them to desist, but they gave him abusive language, and he then took a musket and threatened to fire at them if they would not leave off, and they then drew back a little—that lieutenant Evelin then interfered, and put his head in the breach telling them if they did not desist the consequences would be serious—captain Shortland then inquired for major Jolliff, and by captain Shortland's directions this informant went to call major Jolliff and met him between the south guard and the barracks, when he ordered the troops to be formed, and put himself at the head of the grenadiers, and before major Jolliff had gone ten yards from the south guard gate the firing commenced—that this informant, by major Jolliff's orders, remained behind to assist in forming the regiment—that it was impossible for major Jolliff to give orders to fire, as he was not near the spot where the firing first began.

(Signed,)

JOSEPH MANNING,

Sergeant 1st Somerset Regiment.

Sworn before me,

(*Signed,*) *Jos. Whiteford, Coroner.*

Examinations at the Guild-Hall of Plymouth, on Friday the 21st April, 1815.

Present, JOHN HAWKER, esq. one of the magistrates of the county of Devon.

JOHN RUST, one of the committee of the American prisoners at Dartmoor, being sworn, says: the report made of the occurrence of the 6th instant, (signed by me,) was from the evidence of other persons. About six o'clock in the evening I came from the place where I was taking supper, and persuaded the prisoners to leave the breach; they did go away towards the square previous to the commencement of the firing. At the time I went to the breach, the horn had not sounded; it sounded but a few minutes before the firing. I heard the alarm bell ring before the firing took place; the firing continued at intervals about fifteen minutes. After the firing commenced I went round the south-east part of prison No. 7, and went into the south-east door. I saw nothing of the firing in the market-square.

JOHN T. TROWBRIDGE, one of the committee, being sworn, says: I made no part of the report from my own knowledge; but I was one of them employed in taking depositions. I was walking about the south-east part of No. 7, near the breach in the wall, which, when I saw it, was about large enough for my body to pass through; about thirty persons were round it; I did not know what it was made for; understood it was to get a ball.

I remained in the prison yard, seeing the soldiers collect on the platforms. I saw nothing of what was passing in the square. I understood that the soldiers desired the prisoners to go in before the firing took place; the prisoners were not riotous. I heard the alarm bell ring and the drum beat to arms before the firing—I heard no tumult in the market-square before it began; I should have heard it had there been any, from the place I was in. I do not believe there were many prisoners in the square; it was the alarm bell which collected the prisoners—at least it made them go out of prisons No. 5 and 7. The firing lasted in a straggling manner from fifteen to twenty minutes; there were three or four volleys from the market-square. I heard no order to fire after the firing from the square; there was firing from the platforms on the wall, from which it continued while the prisoners were endeavouring to get into their prisons; there was firing at No. 5 while they were entering.

James Boggs, one of the committee, being sworn, says: I made no part of the report from my own knowledge. I went into the north-east door of No. 3, before the firing. I understood there was a man killed in that prison, but I do not state it from my own knowledge.

Amos Wheeler, sergeant of the north guard, being sworn, says: I was with the guard on the evening of the 6th; another sergeant was with me; assembled the guard by order, I believe, of captain Shortland's clerk; had orders to march to the west guard house. On arriving was ordered by the clerk to order arms; remained about ten minutes, and was then ordered by captain Shortland to march to the market-square; the officer of

the guard was not then with it; our force was thirty-eight besides two corporals; about five or six of another guard went into the square about the same time; the west guard was employed at the breach; there were not many prisoners in the market-square when our guard entered. The alarm bell had rung before we marched. When we entered the prisoners were endeavouring to burst the gates below; cannot say whether the alarm bell preceded the bursting of the gates; when they had succeeded in bursting them there was a great rush towards the soldiers; their number kept encreasing until the space between the iron railings was quite full. They threw stones at the soldiers before there was any firing; they were not armed with any thing that I saw; they appeared in the square nearly at the same time as my guard; they made the greatest push towards our left flank, where the guard was weakest; I was on the left flank; the prisoners were desired to go back, but they did not; they pressed on and made a greater resistance against us. Then captain Shortland ordered the soldiers to bring their muskets down to the charge, but not advancing upon the prisoners, it appeared to have no effect upon them. I believe captain Shortland was in front of the guard, at this time, desiring the prisoners to go back. I saw none of the prisoners wresting the arms from the soldiers. I saw none of them attempt to seize the arms; the guard pressed to the left to keep from being turned, by which I was thrown in the rear. Many more soldiers came from different parts before the firing commenced. I heard no order to fire, nor do I know how it began; did not hear any of the prisoners challenging the soldiers to fire; at this time there might be about two hundred prisoners in the square; they were much more numerous than the

guard. I did not see the officer of the guard at this time. The firing was in an independent manner, three or four muskets being discharged at a time. After the firing commenced the prisoners began to retire towards their prisons. I did not hear any cheering among them, or see them rally after the fire; think I must have heard it had there been any cheering. I do not think that the prisoners could have been made to retire without firing; the soldiers might by killing them with the bayonet have dispersed them. I did not go into the prison yard. I did not hear of any firing of my guard after the prisoners had retreated.

John Saunders, private in the first regiment of Somerset militia, one of the north guard, being sworn, says: I was with the first party of soldiers that marched into the market-square; at that time the gate was broken open, the prisoners were coming through in a crowd as fast as they possibly could; the alarm bell rung at the time we reached the west guard-house; the officer of the guard was with us, I believe. I believe it was he who ordered us into the square—the west guard was marched in nearly about the same time—fifteen file were told off on the left, whom captain Shortland, after some time of discourse with the prisoners to make them retire, ordered to charge—with some difficulty we got the prisoners back to the gates; some of them were retiring through the gates. I do not know that any injury was done to them until after they were inside the gates—had till this heard no firing. The square was nearly clear of prisoners before the firing—they did not return into the square, but threw some stones through the rails. I heard the word "fire" given, but do not know by whom. There

were no prisoners in the market-square when the first shots were fired. The prisoners had the command of the gates, so as to open them when they thought proper. I fired my musket. The prisoners closed the gates after them, which we opened, and we received orders from the commanding officer to charge the men to their prisons. No muskets were fired in compelling them to their prisons. Just before the firing the prisoners were throwing stones, and insulting the soldiers—calling out to fire. Saw no prisoners attempting to wrest the arms from the soldiers. Several shots were fired into prison No. 3—they were fired into the door way—they were fired by two or three soldiers. I heard no order given for this fire, and had heard none to cease firing—there was much disturbance among the prisoners going in, and a stone was thrown out, which I saw myself. The turnkey was then near the soldiers, close to the door, and was endeavouring to shut it; the prisoners were unwilling to go in, and the turnkey could not close it; they stood at the door, challenging the soldiers, and offering to fight them if they would lay down their pieces; this was before the firing into the door; it was locked up immediately after the fire—do not think I could say rightly who the soldiers were that fired into the prison.

William Smith, private of the first Somerset militia, being sworn, says: I was on the north guard on the evening of the sixth April. I marched into the market-square with the guard. As we were going into the square, the prisoners were coming through the gates in a violent manner—the alarm bell rang before we entered the square, while we were at the west guard house. I was one of the 15 file ordered to charge—the prison-

ers fell back when we came down to the charge, but after a little while advanced again. The prisoners fell back to the gates, and had partly gone through before the firing began—I heard no order to fire—don't know the soldier who fired the first musket—was not near him—the prisoners had not come back upon our left when the firing began, and after the charge, but they were throwing stones, one of which fell about a yard from me, and were abusing the soldiers, daring them to come on. The firing was in an independent manner, one after another, till nearly all the guard had fired, and then they loaded again—no order was given to fire—don't know of any soldier having fired into any of the prisons—don't know how long the firing lasted. After the prisoners had returned into their yards we went into them to see if there were any stragglers about. When I went into the yard did not hear any firing from sentinels on the walls.

John Tutt, private, being sworn, says: I was on the north guard the night of the disturbance—the alarm bell rang when I was at the west guard house, before I entered the market-square—about forty or fifty prisoners had burst into the square through the gate next the hospital when we marched in—I was one of the fifteen file ordered to charge—can't say exactly who ordered us to charge, but think it was captain Shortland's voice. The prisoners were so close to me that I had not room to come down to the charge, and drove them back to get room. We advanced upon them at the charge. While charging, a stone of seven or eight pounds weight knocked off my cap—I stooped to pick it up—was not knocked down, but somewhat stunned, and the plate of my cap

was bruised—the firing began directly—the prisoners resisted greatly while we were charging—they resisted up to the time we fired. I think there were about one hundred prisoners in the square when the firing began—after they were driven back there was much firing into the prisons—saw one soldier firing into prison No. 1—the prisoners were throwing out stones at the time—they were all nearly in when the firing into No. 1 took place, but some were still pushing in at the door way—the turnkey was endeavouring to get near the door, but was not in front, in consequence of the stones thrown out—I heard no order for the firing in the square; it commenced while I was picking up my cap—saw no more than one shot fired into No. 1.

William Rowles, private, one of the north guard, being sworn, says: I was one of the fifteen file told off in order to charge—captain Shortland gave the order to charge—I could come down to the charge, and did so; and those near me advanced at the charge upon the prisoners, who would not retire at first, even when the point of the bayonet touched their clothes—we advanced on them about eight or ten yards down towards the gate—a great many of them retired through the gate before there was any firing—they aggravated the soldiers by insulting and abusive language, and dared them to fire. I heard an order to fire, but don't know from whom. When the firing began, the prisoners were rushing again through the gate, into the square, and throwing stones over the platform. I suppose there were twenty times more prisoners in the market-square than soldiers before the firing. I entered the prison yard, saw a soldier level his musket into prison No. 3, who was then about five or six

yards from the door—many prisoners stood at the door in a resolute manner, and would not let the turnkey shut it—the door-way was as full as it could hold—they threw out great stones, as big as my head—I heard no order to the soldier to fire into No. 3; saw no officer there at this time. I was telling the prisoners to go into the prison, when one of them endeavoured to wrest the bayonet from my musket, but I drew it back in time to save it; this was before the firing into the door-way. I believe that there was no more than one shot fired into No. 3—after it was fired the prisoners went back, and allowed the turnkey to shut the door.

John Hamlet, private, one of the north guard, being sworn, says: I was the right hand-man of the fifteen file told off to charge; I heard the order given to charge by capt. Shortland; I immediately came down to the charge, having room enough; we advanced a small distance; we could not advance far, owing to the prisoners' being so near; they did not retire very fast; can't exactly say how many prisoners there were in the square when we began to charge, but suppose there might be a hundred; we used all possible means to make them retire, but some were so obstinate that they advanced even to the points of the bayonets, others however retreated; they were very abusive and throwing stones; many dared us to fire; I was struck with a stone in advancing, on my right knee, which nearly knocked me down, and I very narrowly escaped another blow on my head; I received the blow after the firing commenced; our charge with the bayonet made some few of them retire through the gates; the greater part indeed retired through the gates and remained on the

other side throwing stones. Before the firing and after the charge, some returned back through the gates and advanced; some advanced even after the first fire; they shouted and cheered while advancing, which was intended to animate others to persevere like themselves; numbers of the first muskets fired were elevated in the air, some were elevated to the centre; I did not see any one fall on the first fire; the firing was not in volleys; I followed into the prison yards, did not see any firing into the prisons; after the firing had been kept up for some considerable time the prisoners retreated; I heard an order to fire given before any firing took place, but don't know by whom. I do not think the prisoners could have been driven back without firing, unless great slaughter had been made of them by the bayonet. I cannot positively assert whether there was any firing on our right, beside that by ourselves.

John Williams, sergeant, being sworn, says: I was on the south guard the night of the disturbance; our guard entered the market-square after the north guard, and formed to its right; our number was about forty; it consisted of fifty-one, but had several sentries out. The firing had not commenced when we formed upon the north guard; it began about ten minutes or a quarter of an hour after we formed; we were formed just about the time the north guard charged; when we formed there were about one hundred prisoners in the square; I think they were more numerous than the soldiers; the line of soldiers almost occupied the breadth of the square, but there were not enough to form it completely across; there was an opening between our guard and the north; the prisoners did not fall back for some

considerable time after the charge; they were throwing stones through and over the rails and abusing the soldiers when the firing began; I heard no order to fire; our officers never ordered us to fire; our guard seeing the state the prisoners were in, and the north guard fire, began firing of their own accord, but not in volleys, and then the reports made prevented us hearing what was going on; the north guard fired first; at the first fire the prisoners ran back through the gate-way, but afterwards many returned again to the gate, but did not advance through on us; heard cheering and did not know whether they would not come out on us; I did not go into the prison-yard, nor did any of our guard; our officer kept us in line till the prisoners were all locked up. I do not suppose the prisoners would have gone back without firing, because they did not appear to retire even when the bayonets were quite close to them. I heard firing for some minutes after the prisoners had retired through the gate.

John Twyfort Jolliff, major commanding, being sworn,

(*Handed in a statement, of which the following is a copy*--)

April 7th, 1815.

Yesterday evening, between the hours of six and seven o'clock, soon after the officer's dinner, the mess waiter came into the mess room, and said that the American prisoners had broken out of the prison, and were attempting their escape. I immediately ordered the troops composing the garrison to fall in at the alarm post. Whilst the troops were forming I heard several shots fired, upon which I immediately took the grenadiers

and proceeded to the west guard, supposing that the prisoners were actually coming down the military-way, (as it is called,) in great bodies. Upon my arrival at the west guard, several of the troops were formed in the market-place, and had fired some shots. I immediately called out to them to cease firing, and finding that the prisoners still refused to go into their prison, I took a party of grenadiers and went into two of the prison yards, and told the soldiers to go into their prisons, which they very reluctantly did. Several stones were thrown at the military, and two at myself, one of which came very near me. The military fired a few shot at the prisoners in the yard, in consequence of their throwing stones and refusing to go into the prison, but the firing was without my orders, and I conceive took place owing to the military being so exasperated. As soon as the prisoners were all gone into their different prisons, and properly secured, I returned to the barracks, having ordered the guards to be reinforced, and the troops to be ready to fall in at a moment's notice. It appears that they had selected the hour of the officers' dinner, to begin their operations, supposing we should not be ready.

(Signed) J. T. JOLLIFF,
Major 1st Somerset militia.

Understanding that evidence has been produced to prove that a bugle sounded the signal to fire, I beg leave to observe, that I was first apprised of this circumstance after my return from Dartmoor. I never gave, as commanding officer, any order, directly or indirectly, to that effect, nor did I hear previously any report that such a circumstance had taken place.

(Signed) J. T. JOLLIFF,
Major 1st Somerset militia.

He further says: there was no general order that when the soldiers on sentry heard one of them fire, they should consider it an order to fire also; but I suppose they might so consider it.—One man fired into one of the prisons, which arose, as I believe, from exasperation, on being struck by a stone thrown by the prisoners. I did not see any one put his musket into the door to fire. Several shots were fired in the prison yards, but entirely without any command.

George Pitt, sergeant, being sworn, says—I was with major Jolliff among the grenadiers in the prison-yard, and he used all the means in his power to prevent the firing—I heard him crying out to the men to cease firing.

Henry Burgoyne, private, being sworn, says—I was on the plātform at the bottom of the market-square. A prisoner came with an iron bar, who, upon hearing a shout from the prisoners at the breach, when a piece fell out of the wall which I heard, broke the gate open immediately by striking off the lock, and the prisoners rushed through, and when we left the platform they pressed very much upon us—they were as thick as they could be—the alarm bell was ringing about this time—the yard where the break was, was as full of prisoners as it could be—I belonged to the west guard—I did not see any prisoners wresting the arms from the guard—I could not see the breach on account of a projection of the wall, but heard the bar at work—they were quite thick down to the prison, waiting, I suppose, till the breach was made—the horn had sounded as usual for them to go in, but instead of going in as they usually did very quietly, they came out—they pressed on us

so much that we were forced to fall back, after we came down to the charge they would not retire, and being unwilling to stab we were forced to give back. I heard an order to fire, but don't know who gave it—I did not observe how the first muskets were levelled.

Edward Jackson, private of the Derby militia, being sworn, says—I was on the platform 18 and 19, between prisons No. 5 and 6. I think there had been two volleys in the market-square before the men on this platform fired, myself and another sentry were posted on the platform—we had not fired before some soldiers come up on the platform—I never fired—it was the men who came up—I can't say whether the sentry fired—they fired into the yard up towards the gate—there were a great many prisoners at the upper part of the yard—I did not see any firing into the prisons. There was one or two officers on the platform; no order was given to fire on my platform; to the best of my recollection, I think I heard a command "to commence firing from the right." The prisoners were all in a great body, near the gates at the top of the yard, when the firing commenced, and after the firing they retreated to their prisons. When I was placed sentinel several prisoners were inside the pallisades clodding one another; some soldiers charged them out of it; there were about two rounds of firing from my platform; there were about twenty soldiers on it, but can't say exactly; it was full of them; I could not see the breach; I saw no tumult in the yard before the firing in the square, except the clodding; I can't say I heard the alarm bell ring.

Adjourned till to-morrow.

Examinations at Dartmoor prison of war, on Saturday the 22d April, 1815; present, Paul Treby Treby, esq. one of the magistrates for the county of Devon.

Thomas Burgess Mott, one of the committee of American prisoners, sworn—(A letter had been handed in by capt. Shortland, signed in this witness's name, and addressed to capt. Shortland, requesting his release, and stating that "although he had been called on by the respectable part of the prisoners to inquire into the cause of the late unfortunate affair, that his deposition nor conduct appeared to show that he would wish to lay the blame to captain Shortland, but on the contrary, for which he had since been insulted by those men that were and had been the occasion of the late unfortunate affair.") There never has been to my knowledge any concerted plan among the American prisoners at this prison to break out.—I have never been insulted by any of the men supposed to be ringleaders in the late affair, but on the contrary, the prisoners think I was doing every thing in my power for their benefit; the letter handed in by captain Shortland was written for me by another prisoner to get me clear in any way; it was not signed by me; I told him I would give him a pound if he got me released; it was written without design to injure any body, and merely to get me clear, as my turn of release was not near; I never read the letter; I was one of the committee who made the report to Mr. Beasely; some part of it was from my own knowledge, and some part of it from the testimony of others; I saw a crowd where the hole was, but did not think it was occasioned by any thing but gambling, till I

was called upon by the prisoners to go and make them desist from the hole. When I was in the yard of No's. 5 and 7, and when the firing into it from the platform took place, there was no tumult; there were then but few persons in it; I was not in the market-square; I think the making of the hole was merely through mischief, but not at all to get out, for I do not think twenty would have wanted to go out if the gates had been open; I do not know particularly of any subject of complaint shortly before the affair; I do not know of any one who complained before admiral Rowley of the American government; I was present the whole time; I do not know of any particular uneasiness among the prisoners at present, or any cause of complaint of their treatment; they are a little impatient to be sent home; there have been frequent little vexatious interruptions to the market, &c. on slight grounds; I did not see any one shot, though some fell close by me; I did not hear the horn sound before the firing.

Walter Colton, one of the committee, being sworn, says—None of the report was made from my own knowledge, but entirely from examinations. I am confident there was no disposition on the part of the prisoners to break out; had there been, I should certainly have known it, because I was in the constant habit of going through the prisons having much business with the prisoners as one of their committee. It is impossible but it must have been known had there been any. Had the gates been thrown open not more than a hundred would have gone out: those that chose could have got away on the 4th. The first I heard of the disturbance was the firing—I was then in No. 3—did not hear the horn—it is not generally

heard inside—there was great irritation against captain Shortland before the disturbance—this was owing to acts of barbarity on his part—I speak from my own knowledge—instead of doing things to make them comfortable, he did quite the nontrary. He has kept two prisons, the best and most comfortable, shut, when it was in his power to have opened them; the prisoners remonstrated against this, but it produced no effect, while they were turned into prisons open at top and floating with water two or three inches deep; this was No. 2. There was a plan formed in No. 6, one of the best and most commodious prisons, two several times, to dig out, which was both times discovered by captain Shortland, and on the second occasion the prisoners were turned into No. 2; they were however only kept there two nights, and then returned to No 6; I call this an act of barbarity; captain Shortland never returned any answer to our application to go into the empty prisons; I knew of no statements of complaint against the American government, previous to the late affair; there have been often complaints of neglect against Mr. Beasely, but not against the American government. Another act of captain Shortland's was—about the time of the attempt to dig out, there were some bars broken in one of the prisons, in consequence of which and the digging out I suppose, one third of our provisions were stopped for ten days. I know not what it was for unless for this and the digging out. Captain Shortland has frequently stopped our provisions in the same way without giving any reason. There has been no particular uneasiness among the prisoners to get out, since the account of the ratification of the treaty, and I know of no acts of violence among them in consequence; they were only anxious to be sent home, and expressing their opinions about it.

William Hobart, one of the committee, being sworn, says: some part of the report was made from my own knowledge, but not much; I was in the lower part of the yard No. 1 and 3, when the alarm bell rang; I had not heard the horn sound to go in when the alarm bell rang; I expect I should have heard it—it can generally be heard all over the yard; when I heard the bell I walked up to the railing next the market-square to see what occasioned the alarm, when I got within a few yards of the railing, saw the soldiers coming into the market-square. I think there must have been four or five hundred soldiers in the square before the firing began; there were many there and others marching in and forming; I heard no orders to fire; the prisoners were coming up as I was to see what was the matter; I returned immediately to my own prison. There were two volleys fired into a prison, into No. 3; most of the prisoners were then in; the prisoners were retreating after the first volley; I had been in about five minutes before the firing, was on the second floor; did not see the soldiers who fired, but heard the report; and when I came down, saw marks of balls within; there were no stones thrown from the second floor, should have known it, as I was walking with some others. There were several lines of soldiers drawn across the square, a few prisoners were at the bottom of it then, but they were not so numerous as the soldiers; I am fully confident there was no intention to break out. I heard no shouting or threats against captain Shortland when the firing commenced. The prisoners did not cheer in the yard I was in, nor in the market-square while I was present. Captain Shortland has behaved in a very tyrannical manner towards the prisoners—he stopped the market for ten days for a very trivial oc-

currence, and part of the provisions for the same length of time; do not think there was any intention among the prisoners to revenge themselves on captain Shortland; there has been some irritation against Mr. Beasely latterly, because they thought he was somewhat dilatory in preparing cartels, but there was none whatever against the American government; there was a report that vessels of war would come from America to take prisoners, but even when first started it did not gain much credit; the upper stories of No. 2 and 4 have been unfit for the men to live in; very open, and sometimes afloat with rain.

William B. Orne, one of the committee, being sworn, says: I saw a little of the affairs stated in the report; but principal part was from the examination of others. I was walking between No. 7 and the barrack wall; did not observe that many prisoners were there; they are always so numerous in the yard, that one might not observe whether there was a crowd or not; I heard no bar breaking the wall; went into my own yard, Nos. 1 and 3; the prisoners were almost all in. I heard the alarm bell, upon which I walked up to the railings and saw the soldiers firing on the prisoners; could not tell the number of the soldiers, but the yard appeared to be full; it appeared to me from the number of the muskets I heard, that the whole regiment must have fired several volleys. I went behind the cook-house, and heard the balls flying in all directions; the prisoners ran up to the railings from curiosity; was not near enough to hear an order to fire; after firing a few volleys they opened the gates and charged the prisoners in the yard, and after they were in their prisons they fired in; I heard that shots were fired into No. 3, into the

door; saw no stones thrown out of No. 3; saw only one stone thrown into the square; the fire appeared to me to last fifteen or twenty minutes. I heard a noise among the prisoners, but no particular shouting or cheering; saw the greater part of the prisoners run; after the first fire, every man secured himself as well as he could; there appeared no interval in the firing; it continued all the while, until the soldiers opened the gates and went into the yard. I knew of no intention whatever among the prisoners to break out; we were then daily expecting cartels.

Niel M'Kinnon, prisoner, being sworn, says: I was in the yard No. 7, before the alarm bell rang; I saw some men making a breach in the wall; at first there were only three or four, but afterwards they increased to about 20 or 25 standing round; I can ascribe this conduct to nothing but mere wantonness; can ascribe it to no other motive; I staid till the hole was made, and they began to throw things at the sentry; I saw the sentry put his bayonet through as a warning; he desired them several times to go away; I belong to another prison; I came to the gate; I heard the alarm bell ring before I came; I saw a turnkey looking in the direction of the breach, and expecting that the military would be called out, I went to gate No. 4; I remained there a considerable time, until the troops were drawn up in line, they then charged; I could see into the market-square; I saw the prisoners between the railings and the soldiers in front of No. 4 gate; my attention was engrossed by what was before me, and I did not observe how many there were to my right at No. 1 gate; I heard an order given to charge and fire, but don't know by whom; at this time the prison-

ers were daring the military, but not expecting they really would hurt them; can't say I saw any stones thrown. I saw the first fire, but did not observe the elevation of the muskets. The prisoners retreated after the first fire, but I heard them shouting and rallying, cheering each other, and I think I heard them again dare the soldiers to fire. I heard several say they thought they thought they were blank cartridges; I gave it as my opinion. I went down towards my prison and was told on the way that Haywood was killed. I went to see, and saw a black man lying within the inner gate of No. 4. I then went up to the gate to speak to captain Shortland; the turnkey let me through, and I told captain Shortland that a man was killed, and begged him to make the firing cease, and not to be wasting the lives of the prisoners; he told me to go to my prison. I spoke to the officer apparently commanding the guard to the same purport, who said there should be a truce if the prisoners would go to their prisons. Captain Shortland knew me personally. I was going to No. 1 gate and saw several persons at the door of the receiving house, with two or three wounded men; one of these persons was drunk and abused the soldiers, who did not appear to attend to him so much as they might had he been sober. I went down to No. 4 yard; while going down the yard a volley was fired into it by the soldiers in the market-square; there were many prisoners then in the yard. I did not see more than one line of military in the square; it was two deep and extended almost across. Was going up the yard when I met a party of military with an officer, driving along four or five prisoners. I went up to the officer, who I understood afterwards was major Jolliff, and remonstrated with him on

the harsh treatment the prisoners were receiving. He put his fist in my face and swore "By God they would not be trifled with any longer by us," (the prisoners) I was then driven with the rest into No. 4, and the sergeant having his halbert close to one of the prisoners, and the soldiers their bayonets charged. I entered the prison with my face to the soldiers, until I was so far that I thought I was safe, when I turned my back, and at that moment a musket was fired close to me, which wounded a little boy, who screamed and dropped down; he died the next day. There were no stones thrown out when the shot was fired, nor no insulting language used towards the soldiers; the prisoners were crowding round the door, not being able to get in fast enough, but there was no tumult among them; heard no order to fire the shot; I heard the report near me; the doors were then locked up. I have not the least belief there was any concert or intention among the prisoners to break out. I did not know the arms were kept in the barrack-yard, nor do I believe it was generally known among the prisoners. I think the breach and the breaking of the gate were only acts of wantonness, like throwing turf at each other There was a good undestanding between the prisoners and the soldiers, particularly the Derby militia; they used to be of assistance to them when the markets were stopped; the Somerset regiment was not up to so much as the Derby. I think the sentries were removed from the yard to prevent communication with the prisoners, not through any fear of them. If there had been any concert, they would have made some preparations; but there did not appear any among them, as the gambling tables were not removed from where they usually were. I have

since seen some who broke the wall, who have expressed sorrow for what they had done from the consequences resulting from it, but declared they had no intention to escape.

Francis Joseph, Henry Allen, the two remaining of the committee, knew nothing of their own knowledge, and were therefore not examined.

John G. Gatchell, prisoner, being sworn, says, I belong to No. 7 prison. On the 6th of April, between six and seven in the afternoon, while walking in that yard, I heard a report that some boys were making a hole in the wall. Being in the yard abreast of the market-square, I saw captain Shortland coming down the market-square at the head of a party of soldiers; they were formed in a line and began to fire immediately. I did not see any prisoners then in the square; a few were between me and the railings. I could have seen any who might have been in the square. I saw no charge of the bayonet. I heard an order to fire, but don't know by whom; the first volley one man fell about four yards from me. I went to him and asked what was the matter; he said he was wounded in the breast, but I did not believe it, thinking it impossible, till I felt it. I called assistance and was trying to get him to the receiving-house, when captain Shortland entered No. 7 gate with two soldiers, and said something which induced the two others to run away and leave the wounded man with me; upon which captain Shortland seeing I did not run, said "kill the damned rascal;" the soldiers charged on me, and a bayonet pierced my clothes and skin, going in about a quarter of an inch. I was then forced

to leave the wounded man and run, when a soldier followed me, and captain Shortland urging him on, repeated several times "kill the damned rascal." While running on I was pricked three times and would have been killed, but stepping aside the bayonet ran under my arm, and the soldier with the force of the thrust fell on his knees, by which means I escaped into the prison. There are four doors to No. 7 prison, all but one were shut, which one was exposed to the fire; all the prisoners were crowding to one door, the door left open was the one which was usually so; but the doors were shut, I think, sooner than usual, and the prisoners were trying to get in at the shut doors; the prisoners being pursued by the soldiers all crowded to one door, one over the other, and being unable to get in fast enough were wounded by the bayonets of the soldiers pressing behind. While getting in No. 7 I saw captain Shortland running down the yard towards No. 5 with the soldiers, and heard him order them to fire; am quite sure I heard him order them to fire; he was facing me at the time; was running towards No. 5 and ordering them to fire as they ran, which they did; cannot positively say he had arms in his hands when coming down the yard. I did not see that the soldiers hesitated to fire when ordered; they did fire. Never have had any personal altercation or difficulty with captain Shortland; never spoke to him nor been spoken to by him. Do not think there was any intention to break out. The firing in the yard was after that in the market-square; two soldiers came into the gate abreast of captain Shortland, but many followed him, thirty or forty perhaps. After the soldiers were in the yard those on the ramparts did not fire. There were about forty or

fifty shots fired by those in the yard. While the prisoners were running to No. 7 they were cut off by a cross fire from the ramparts; (he pointed to the place where he was wounded in the back,) was told by others my wound was a quarter of an inch deep; it swelled up considerably and was very sore, as was the case with all three wounds; was never under any of the surgeons or surgeon's mates.

Andrew Davis, prisoner, being sworn, says: I belong to No. 3 prison; I was at the bottom of No. 3 yard on the evening of the 6th, just before, counting in time the horn had sounded; on the first report of muskets, the prisoners said they were blank cartridges. I went up to No. 1 gate; when I got there, five or six men were bringing a man who appeared to be badly wounded, into the market-square; they had brought him inside the inner gate next the square; I heard captain Shortland order them to let go the wounded man; one of them remonstrated against it, and captain Shortland struck him with his fist; the man then went outside of the gate into the passage, between the two gates, and said to captain Shortland, "you'll recollect you have struck me twice, and I'll have satisfaction for it." Captain Shortland told him to go into the prison, or he would order the men to fire on him; I then went down to No. 1 prison, and saw no more. The soldiers were drawn up in the square when the wounded man was there, and captain Shortland in front of them. It was about ten minutes or a quarter of an hour after the firing began that the above transaction took place. One or two volleys were fired after that.

John Odiorne, prisoner, being sworn.

(His evidence before the coroner being read to him, and he had no correction to make in it, other than it was possible there might have been some few prisoners in the square, but there were no numbers of them previously to the drawing up of the soldiers in the square.) I stood on the steps at the cook-house in the market-square; I could see the whole of what was passing in the square; the gate was burst about the same moment the soldiers were firing obliquely to the left, after they were drawn up in line. The prisoners rushed in immediately, but not violently. I heard an order to fire, which was from captain Shortland as near as I could judge of any man, who had his back to me; it was in captain Shortland's voice; he was about a hundred feet from me; I am as positive as I can be under such circumstances, that the order came from him; captain Shortland appeared to be in a great passion when entering the square, he looked very red and spoke loud; am confident there was no disposition to break out. There was very little interval of time between the marching of the soldiers into the square and the sounding of the horn for turning in: the horn was first; the alarm bell rung nearly at the same time that the soldiers entered the square: the prisoners, generally, conceived that there was a tardiness in Mr. Beaseley's fitting out ships, and there was discontent among them against him. But no complaint against the American or British governments.

Gerard Smith, prisoner, being sworn, says: I was in the market-square with captain Odiorne, who requested me to stay after the horn was sounded, till the wagon was unloaded; I told him my

prison would be shut as the horn had sounded, and I should be shut out, and I thought I had better go; I did stay several minutes longer, seeing the prisoners nearly all in I said I must go; I saw Arnold coming up the square, and saw also captain Shortland by himself close to the wagon; the captain asked Arnold whether the prisoners were all in; Arnold said, "sir, they have got two holes in the wall;" captain said, "damn you, why did you not let me know that before, go and ring the bell;" I turned from Odiorne, bid him good night, and went down to the gates which were all closed, and I was obliged to get over the railing; when I got over, I saw no tumult among the prisoners; one man told me that some boys had taken some stones out of the wall, and wondered what it could be for: "I dont know," said I, "but I suppose it is through mischief."

Robert Johnson, prisoner, being sworn, says: I know Gatchell; I was at the gate No. 7, when captain Shortland spoke to him; I ran directly up to the gate from No. 5; at the first firing a wounded man lay about five or six yards from the gate, on the prison side; Gatchell and two or three others came up to take him, as I suppose, to the receiving house; when he got into the passage, between the railings, captain Shortland came in with two or three soldiers, and told them to go back or he would kill them; the soldiers followed; in rushing in, captain Shortland stumbled over the wounded man; Gatchell did not go away immediately. Captain Shortland ordered the soldiers to charge on him; one did charge on him, and another on me; I then made my escape into the prison; I am quite sure captain Shortland ordered the soldiers to charge; this was after the firing in the

market-square. At the first fire I was in my birth; had no idea that there would be any disturbance, or that the military were firing with ball. I heard no abusive language from captain Shortland.

James N. Bushfield, prisoner, being sworn, says: I was present all the time the breach was being made, but was not one of those who did make it; had no idea it was for the purpose of making their escape, but supposed it was through mere mischief; there were about 20 or 25 prisoners round it; they began in the morning. I was there when the sentinel told them to go away, or he would fire; they set up a laugh, and drew back; after he put his bayonet through the hole—forming a circle of 15 or 25 feet from the wall; at that time there were not more than 25 or 30 people, but afterwards they ran from all quarters to see the hole, hearing the others at it laughing; they knew nothing of it before; I went towards the gate when I heard the first fire, which I supposed was with blank cartridges, until I heard the balls whistle; do not suppose a man in the yard knew there was arms in the barrack-yard.

Adjourned until to-morrow 8 o'clock.

Met, pursuant to adjournment, at 8 o'clock.

Dartmoor, Sunday, 23d April, 1815.

Present, Paul Treby Treby, esq. one of the magistrates for the county of Devon.

William Clements, prisoner, being sworn, say: I was most of the evening at prison No. 1, and towards the close of the evening was going to my own prison, No. 7; I saw about 20 or 30 prisoners gathered round the wall of No. 7, and considered they were gambling; going up to it, saw dirt about a breach in the wall, and then several took up stones and threw them at it, in order to force it through. I went down the yard and came up again, at which time they were still throwing against the breach; they made a hole; I then saw capt. Shortland come up to it with some soldiers on the other side; he spoke through the hole, asking what they did it for; a number answered they had nothing to do with it, and some said they dug it for amusement; captain Shortland said if they did not disperse he would be obliged to fire upon them; he then went away; they then dispersed, and some who were digging, went into their prisons; I heard no insulting language to captain Shortland; the hole was then large enough for a man to get through; saw none attempt to get through; I considered the digging of the hole was merely through mischief; a number of small places had been dug in the wall in the course of the day; a great many prisoners were in yard No. 7, more perhaps than usual, it being so fine an evening; I went towards my own prison and found all the doors but

one shut; I heard a great noise at the top of the yard and went towards the gates; heard many cry out "keeno;" keeno is said among the prisoners when any thing falls, even in the prison; many cry it out when they don't know what is the matter; I suppose there were about 40 or 50 soldiers then in the market-square, drawn up on one side; the prisoners were going through at No. 1 gate; the soldiers came down to the charge and then drew back; the prisoners were not so numerous as the soldiers; I suppose there might be thirty prisoners in the square; they made no opposition; some of them appeared to be in liquor; the prisoners are not permitted to be in the market-square; the gates were locked; when the prisoners were driven through the gate, the soldiers fired; they fired into No. 1 gate; I heard no order to fire; was not in a situation to hear it; the soldiers fired right into the gates; did not observe how the muskets were levelled the first fire; I considered they fired with blank cartridges at first; this was into No. 1 gate, and there were only a few shots, but afterwards a volley; I saw a man fall at No. 7 gate, when I, with others, attempted to remove him, when another volley was fired in; put him behind the wall; he said he was wounded in the breast; we put our hands there but felt nothing; he soon died, and then we found the ball had entered his head. At the time of the first fire I heard no abuse from the prisoners, nor saw no stones thrown during the whole time; there was some turf inside the square which I thought had been brought in by the people who had the liberty of the square; after the first fire the prisoners did not rally or cheer but were eager to get into their prisons; I cannot say why so many of the prisoners were out at the time; I did not hear the alarm

bell; a number of the prisoners knew nothing of it till they heard the report of the muskets; saw an officer with the soldiers; the officer was the first man who entered No. 7 yard; it was not captain Shortland; I saw captain Shortland in the yard, but whether it was him or the other officer who first came in I don't know; I saw an officer had hold of a prisoner by the collar and strike him with a sword once or twice; he made no attempt to stab him; I then went into No. 7, and saw nothing more. There was no particular uneasiness among the prisoners, at not being released, only talking about it, and saying they thought it hard; but they were as obedient to the orders and regulations of the prison, as before the account of the ratification.

John Hubbard, prisoner, being sworn, says:— I was carrying a wounded man to the hospital; captain Shortland came up to me; I was then about half way up the market-square; he ordered me to drop the man; I told him I should not, for he was a dead man and I wanted to take him to the hospital; he gave me a crack on the neck with his fist and ordered the soldiers to charge on us; I then went back directly as the soldiers were running towards me, and ran in; they did not follow us any distance; they halted as soon as we ran; when I got in I called to captain Shortland and told him, "you will recollect, sir, you struck me, if you are brought to account for this;" he said "he would strike my damned heart if he had me there;" I am sure of this; I did not threaten him that I would have satisfaction of him. I don't know any of the men who were with me, helping to take the dead man; there were about four or five; the soldiers at this time were drawn up

across the square; there had been much firing before this; I saw the soldiers fire into No. 3, after the prisoners were in; I was standing close to the door; I belong to that prison and mess close to the door; there were 18 or 20 soldiers at the door but don't know whether they all fired; I saw the muskets levelled; 7 or 8 shots struck the stairs and some went to the other side of the prison; at this time there were 5 or 6 prisoners going in at the door; one got wounded on the step; I did not see any stones thrown out, but heard afterwards there was one thrown out.

Homer Hull. (His evidence before the coroner being read to him, he said it was correct.)

I am sure I heard captain Shortland give orders to fire—I was then about thirty or forty feet from him, near gate No. 4, under the platform—he was then facing me. The first fire was a volley—there were no straggling guns preceded the volley—they fired immediately after they got the word—there was no hesitation. I don't think there were more than three or four prisoners in the market-square in front of the soldiers at the time of the first fire—they had retreated through the gate, and shut it after them.

James Reeves, prisoner, being sworn, says: I belonged to prison No. 1. I was rather groggy that evening. I saw a mulatto man, who was groggy, break the chain which fastened the gate No. 1 with a bar like a crow bar; the bar was flat and thick, something like a chisel about two feet long; the alarm bell was ringing at the time he was breaking the chain, before the gate was broken open. I suppose there were as many as fifty persons around the gate; the pressure they

made parted the gate sooner. As soon as the gate was open a great many rushed through into the square—there were about twelve or thirteen—there were a great many between the two railings—they were all hallowing and making a noise. I went out into the square—I was tipsey, or I suppose I should not have done it. I saw the soldiers coming down; they charged upon us immediately, and I then went back directly. I was pricked. I lost my hat, and went to pick it up, when I was pricked again. I went back with my face to them; some turned their backs; but I stood a little more upon going back than I should have done had I been sober. I received two pricks in the breast, and two in the arm. We shut the gate as soon as we could. Captain Shortland was abreast of the gate No. 1, in front of the soldiers. I am pretty sure he was in front of them. I heard him sing out, "fire," twice—heard him order both to charge and fire—can swear I heard him order to fire twice—think captain Shortland was in front of the soldiers—cannot say how he escaped being shot more than myself. I heard no shouting among the prisoners after the firing. After we were inside No. 1 prison, I watched an opportunity, being mad at being pricked, and flung a stone myself out at the soldiers—the soldiers had fired into the prison before I did so. I saw no stones thrown, nor heard no abuse after the charge, and before the firing—but after the firing the prisoners ran into the yard, and sung out, "fire and be damned," and dared them—I cried out, fire and be damned, which I did because I was mad at being pricked for nothing, as I thought. Mr. Magrath, the surgeon, spoke to us, and desired us to go back—he said if any blame was to be attributed to any body that we were not sent home, it was not owing to

captain Shortland or the English government, but to Mr. Beasley. Some did go back, in consequence, and if I had been sober I should probably have done so too. This was before any soldiers were in the square.

William Mitchell, prisoner, being sworn, says: I belonged to No. 1; was walking in the yard, as were a great many more, it being very fine—did not know any thing particular was going on—I saw Nichols, the turnkey, running down, and a great many prisoners with him, singing out, keeno; they ran out of curiosity, to see what was the matter—I did not know what was the matter. About this time I heard first a single musket, and afterwards a volley, and then more. I asked what was the matter, and was told some boys had made a hole in the wall of No. 7 yard—I said, "what do they fire here for." I went and helped to shut the inner gate of No. 1, and said we had no business with soldiers there. There were not above 30 prisoners there at that time. The soldiers came in. I saw two officers, and spoke to one, and asked him why he fired upon people who made no resistance—he told me he had been through the hole in the wall himself. Captain Shortland told the prisoners to go to their prisons. The soldiers came in, charged them to their prisons, and wounded several. I did not hear the horn or the alarm bell. The prisoners don't usually go in when the horn first sounds, till the turnkeys come down and tell them to turn in; they first go and lock three doors, and afterwards the fourth and last.

George Challacumb, being sworn, says: I am a carter, belonging to the prison establishment. I went to Plymouth on the 6th of April with a let-

ter; I overtook a man, named Roberts, on the road, who had been released from prison that morning; he told me his name was Roberts. I entered into conversation with him—he said he was glad he was released, for he thought that in a few days an attempt would be made to break out of prison. I asked him how it would be done; he said there was talk among the ring-leaders, that it should be at the time the bread wagons went in, when the iron gates were open; and he feared the consequences would be very great—he said that Slater and Jack Crandall were ring-leaders of the whole. I did not mention this at Plymouth. It was ten o'clock at night when I returned, and then the affair at the prison had happened. Next morning I told the chief clerk, Mr. Holmden, what I had heard, and advised him not to keep both gates open at once. (There are on the books two such names as Slater and Crandall.)

Lot Davis, prisoner, of No. 5 prison, being sworn, says: I was walking about half way between the hole and the gate. The cook-house of No. 6 was, I thought, the only safe place from the firing; I tried to get into No. 5, but could not, and remained in the cook house until next morning. I heard scattering guns firing after the prisoners were all running away, as if fired at single persons crossing the yard.

Samuel Best, turnkey, being sworn, says—On opening the door from the railing towards the receiving-house on the morning of the 5th April, about half past seven o'clock, a prisoner said to me, "Well, turnkey, how did you like the k-eno yesterday?" I told him I did not know any thing

of it, having been away; but from what I heard they had acted very improperly; he said "damn you, in a quarter of an hour we can have all the bloody walls down." I turned round and the conversation ended. No other prisoners joined in these expressions; several were round waiting to go into the receiving house. On the 6th instant, in the evening, when all was quiet after the affray, Mr. Mercer, who assisted in the dispensary, said he hoped the prisoners would not attempt any thing again; I replied it would be quite madness, as they were unarmed, and hoped they would be reconciled. He said it might be different if they were to make another attempt, as they would not be taken by surprise again; and intimated, as I understood, that they had upwards of 300 pistols and 500 files, which I understood were sharp and fastened on pieces of wood, and enough gun-powder to blow up the walls. I heard the next day a prisoner say on the other side of the wall, if they could have got 100 muskets they would have been better pleased, or would have done better, or something to that effect.

David Spencer Warren, prisoner, being sworn. (His evidence before the coroner was read to him, and he said it was all true, and that he had nothing to correct.)

I was within seven or eight feet of captain Shortland when I heard him give orders to fire; I was inside my own prison-yard and captain Shortland was close to the gate; that was the first firing I heard; there had been none before. Soldiers had broken up their line when captain Shortland led them into the prison-yard. Captain Shortland was at the head of them; in front of them all, when I heard him tell the men to fire. They did not fire the first time he said fire, it was

about a minute afterwards before they fired. He said fire, three times; the last time he caught hold of a mukset and turned it towards a man standing opposite him, saying, "God damn you, fire." I cannot swear that that musket was fired. The firing commenced at first by one musket, then two, and afterwards a general fire. I am sure the firing did not begin by a volley. I am sure what I state is true. There had been no firing before I saw captain Shortland take hold of the musket; I had heard none. I saw no prisoners have hold of this musket at the time. Captain Shortland when he told them to fire was in front, one soldier beside him; they might have fired at his side or over him without hurting him.

Richard Walker, private in the Derby militia, being sworn, says—I was one of the south guard on the evening of the sixth; I was in the market-square when the firing began, on the right of the north guard; when it began there was not a prisoner in the square; when the soldiers charged there were a great many in; can't say how many. They went back to their own yard directly; was formed nearly on a line with the north guard. After the charge the prisoners returned to the gate and tried to force it; they made a great noise and used very abusive language; they did not come back into the market-square. I heard no order to fire; first one musket was fired; it was by a sentry posted at the bottom of the square, in consequence of the prisoners abusing him. I saw this; I can't say I saw the prisoners take hold of his musket. I saw them throw no stones before, but after it was fired they did; one hit me on the arm. I might not have seen it had the prisoners caught hold of his musket. It might be two minutes before there was firing again. As

soon as the prisoners threw stones there was more firing. They fired several together, but not in a volley. Don't recollect I heard any order to fire. Heard several call out fire, and supposed it might be the prisoners who were calling out. I heard the word fire repeated, but don't know by whom. I was close enough to hear the prisoners call out. Saw captain Shortland come down, break through the guard, and heard him order them to cease firing; this was very soon after the firing began. He called out to the prisoners "For God's sake, men, go in, go in." The soldiers did the same. Captain Shortland came down the square from behind the line, broke through the guard, and ordered them to cease firing. I did not know where he was before the firing.

William Ward, private in the Derby militia, being sworn, says—I was not in the market-square when the firing began. I came up just after. Captain Shortland, after it had continued some time, came up and ordered the soldiers to cease firing. They immediately ceased. He said to the prisoners, "For God's sake all of you go in;" the whole of the soldiers said the same. The prisoners ran up to the gates after that with a stronger force than before, making a great noise, but not insulting the soldiers. Saw no stones thrown. When captain Shortland gave orders to cease firing, they did so immediately; afterwards the prisoners came up in large bodies, there was more firing. I did not see any prisoners come into the square after that. I don't know who ordered the firing afterwards; I heard captain Shortland order the soldiers to cease firing; he run from behind the line to the front and held up both his hands saying, "For God's sake cease firing."

William Norris, turnkey, being sworn, says—I was not in the market-square before the firing ceased. I came into the front yard and was told by a turnkey in the lodge that the prisoners had made a breach. I ran to it, and some soldiers came to relieve the sentry at the hole. The prisoners were abusing him and daring him to fire, saying his orders were not to fire. I saw captain Shortland at the breach; he said the prisoners must have some bad intention. He came round by the military-way to the front of the gate, and ordered me to ring the alarm bell, which I did; he was then in front of the upper gate between it and the lodge; this was previous to any knowledge of the bursting the gate. When I had rung the alarm bell, I went to the military way; one musket was fired first, and afterwards there was a general fire. After which captain Shortland and some officers called for the turnkeys; I ran through the line; he told me to take a wounded man to the hospital, which I and two others did. I returned to the market-square; he ordered me to take another; he was dead. I took him to the burying-house. The wounded man was brought out of No. 1; the dead man I found in the square. I was afterwards employed in carrying away the wounded.

John Rodd, turnkey, being sworn, says:—I blew the horn for locking up, on the evening of the 6th; blow it always for about one quarter of an hour; I did so that evening; I went down afterwards to lock up No. 4 prison; while at the doors of it, I heard the alarm bell ring; as soon as the prisoners hear the horn they generally begin to go in; they did so that night; they were going into No. 4 quite fast: they rushed out again up

to the gates to see what was the matter; they ran up the yard; I cried out that night as I went down the yard, "turn in, turn in; the alarm bell is rung to assemble all the department." I came back into the market-square, and when I got there there was a firing and a cry for the turnkeys; I came and assisted to carry the wounded men to the hospital.

Daniel Nicholls, turnkey, being sworn, says: I was in prison-yard No. 1, to lock the doors; the horn had done sounding before; before I came to the first door to lock up, the alarm bell rang; the prisoners were going in just as usual; but when the alarm bell rang they called out to know what was the matter and thronged so much to the door that I could not shut it; I proceeded towards the gate, but before I reached it the firing commenced; I was about half way up the yard when it began; hearing a ball whizzing by me, I returned to the end of the prison and waited some time, till seeing the lamp lighter get over the wall by his ladder I thought it a good opportunity for me to get over also, and did so; I came round to the market-square; captain Shortland was calling for turnkeys, and I went to assist in carrying the wounded to the hospital; the firing had ceased in the market-square when I reached it; I heard much firing afterwards in the prison-yards; when I came to lock up the second time, the prisoners threw a stone at me from No. 1, and the sentry then fired in at the door; I don't know who the sentry was; they shoved the door too, and would then open it again and throw out stones before I could fasten it; I can't say whether the door was open when the sentry fired.

David Pitmore, turnkey, being sworn, says: The first I heard of the affair was a call for the guard; I went to the lodge, when captain Shortland ordered the alarm bell to be rung; I staid at the top of the yard till I heard a call for the turnkeys, and I then assisted in carrying away the wounded men; was at the lodge before the alarm bell rang; I saw the soldiers charging the prisoners back; they drove them out under the platform; saw the first firing; several prisoners rushed into the square before the charge; I do not think there were any in the square before the alarm bell rang; afterwards a gate was open and they were coming through.

John French, turnkey of prison No. 3, being sworn, says:—I was going to lock up as usual on the evening of the 6th, after the horn had sounded; I was in the yard; the prisoners were going in very quietly; had locked one door and then heard the alarm bell; the prisoners asked what was the matter; I said I did not know; I continued locking up, and locked three doors; this went on till the firing began; I stood at the end of the prison and then got over the wall by the lamp-lighter's ladder; I did not see the prisoners come out of No. 3 after the firing began; came round to the market-square; the firing was then over there; after assisting to carry the wounded to the hospital I went to lock up No. 3; the soldiers fired into the door of that prison; I told the prisoners to go in; they were in the door-way and I touched them slightly with my hand, telling them to go in and let me shut the door, or the soldiers would fire; one of the soldiers touched one with his bayonet and advised them the same or they should fire; one man told him he might fire and

be damned; immediately an order was given to fire by some body behind, whether by an officer or non-commissioned officer, I don't know, and several muskets were fired into the open door, I can't say how many, upon which I saw some prisoners drop; don't know who ordered the fire; sentries said to them, if you don't go in we must fire on you; they said "fire and be damned;" I believe only one said so; there were many soldiers about the door; can't say whether the soldiers could have driven them back by their bayonets, without firing, so as to have enabled me to shut the door; the soldiers were about eight feet from the door when they fired; I was in front and got back as quick as I could, and bent down as they fired.

James Carley, turnkey, being sworn, says:— I came to the front of the iron gate in the military walk; saw captain Shortland coming from the barracks with soldiers; he made a halt at the blacksmith's shop; I saw prisoners rushing towards the gate No. 1, between the two railings; they sung out keeno; I ordered out the bread-wagon, then in the market-square; I opened the gate for the purpose; as soon as the wagon was out I heard a bar knock against No. 1 gate; I called out to captain Shortland that the prisoners were breaking out; he went down with the military with both his hands in his breeches pockets; the prisoners were rushing out, but I could not see how many there were, the military being between them and me. I staid till I heard a cry for the turnkeys; went down to assist in carrying the wounded; I saw a charge, but dont know whether it made the prisoners go back.

Samuel Morgan, turnkey of No. 7, being sworn, says: after the horn had sounded I was in No. 5 and 7 yards, going to lock up. No door was locked when the alarm bell rang. When I first went into the yard there was a great crowd of prisoners round a hole in the wall; as I passed by, they sung out, keeno, and they and others in the yard ran towards the railings, near the market-square—about this time there were nearly seven or eight hundred prisoners in the yard; many belonged to other yards—I took no notice. When I got to the cook house the bell rang; they asked me what was the matter; I said I did not know; I passed on, and when I had shut one door I heard a firing—the prisoners seemed to retreat then. I got over the railings into the military-way by the lamp lighter's ladder. There were then three doors of the prison open. I saw no stones thrown by the prisoners, being at the lower part of the yard, where there was no tumult. I came round to the market-square when the firing was over—only a few muskets were fired afterwards; but did not see any while I was in the military walk. I saw the sentries fire from the ramparts. I then helped to carry away the wounded, seeing others do so. After locking up prison No. 7, which I did without difficulty, I went to No. 1, to shut up, and when putting one of the doors to, stones were thrown out—I was struck by one on the breast, and by one on the chin; I was pulling the inside door to; no muskets were fired into it then.

William Wakelin, turnkey of No. 5, being sworn, says: I had locked three doors of No. 5, when I heard a great noise, and the word keeno several times. On entering the prison yard there was a great body of prisoners between prison No.

7 and the barrack wall, round where the hole was—there were not more than usual round the railing. As usual, some prisoners were going in, and some kept coming out: there was nothing unusual in their manner at the bottom of the yard. I was coming up towards where the noise was when a bullet hissed by close to me. I then ran towards the ramparts to get out of the way. I got over the wall by the lamp lighter's ladder; then I came round to the market-square, where I saw the soldiers drawn up in ranks. I went down, and heard captain Shortland call out for the turnkeys. I assisted to carry the wounded. The prisoners brought a wounded man from No. 1, and insisted on carrying him up themselves; captain Sortland ordered them to go back, but as they refused, he put out his hand, and pushed one of them, without using violence; they would notgo, and the soldiers were obliged to charge on them—one man pulled open his clothes, and challenged them to fire—captain Shortland pushed him, but it was not with violence. This man was very turbulent; his names is James Reeves. Afterwards I went to lock up No. 5, then all was quiet, and the prisoners were all away from the door.

Richard Arnold, turnkey, being sworn. (His evidence before the coroner was read to him, and he said it was all perfectly correct.) Captain Shortland, at the time of the first fire, was in front of the line of soldiers, and it was almost impossible for him, had they fired a volley, to escape death himself. He was persuading the prisoners to go back when I told captain Shortland they were making a hole in the wall; he told me to call the guard, but did not use any oath, nor did he blame me for not telling him of it before.

John Arnold, steward at the contractor's store for the prisoners in health, being sworn. (His evidence before the coroner was read to him, and he said it was correct, and that he had nothing material to add to it.)

Stephen Hall, turnkey, being sworn. (His evidence before the coroner was read to him, and he said it was correct. One of the iron bars mentioned therein was bent; the bars appeared to him to be some of those from the railings.)

John Tozer, being sworn. (His evidence before the coroner was read to him, and he said it was correct, and that he had nothing to add to it.)

Henry Rowe, plumber and glazier of the prison establishment, being sworn, says: I saw the sentry at the breach charge down his musket, and several stones thrown at him, while he kept telling the prisoners he must fire. I was then on the south-guard platform. I went to the platform, at the foot of the market-square, and saw about six or seven hundred prisoners at the hole; and presently they sung out, keeno, and ran towards the railings—they rushed in under the platform. Seeing this, I left the platform, and was going up to the market-square; before I was half way up I heard them knocking the chain of No. 1 gate, which soon burst open, and a great number, I can't say how many, but suppose about five or six hundred rushed into the square. I did not see captain Shortland or the soldiers come into the square. The prisoners had broken the lock before they did come in; it was done before I left the square; the alarm bell rung after I left it. (Being called again,) he said: he does remember to have

told captain Shortland that the gate was burst—captain Shortland was then in the military walk near the turnkey's lodge, standing alone, without the guard—he did not hear him give any order in consequence. It might be a minute or so before captain Shortland went into the square.

John Mitchell, clerk to captain Shortland, being sworn.

(His evidence before the coroner was read to him, and he said that it was correct, and he had only to add as follows:) While I was on the platform observing the prisoners throwing peat at each other, as I stated in the deposition, between the wall and the iron railings, I observed a great body of prisoners round the place where the breach was, but they were so numerous that I could not see what was doing. When I went with the turnkeys to remove the wounded, I observed captain Shortland exerting himself as much as a man could do, for them, and in having them conveyed to the hospital: he desired me to procure turnkeys to remove a wounded man who was sitting in a sentry box, and desired me to exert myself as much as possible in having the wounded removed; the cry of the military for the keys of No. 5 and 7, was from those who had not been active, and appeared to me to proceed from anxiety to secure the prisoners, not from any vindictiveness; this party did not fire while I was in the yard with them; they called for the keys for the purpose of shutting up the prisoners.

Robert Holmden, first clerk to captain Shortland, being sworn:

(His evidence before the coroner, was read to him, and he said it was correct.) I saw a great

body of prisoners at the breach; the prisoners had broken the gate of No. 1, next the market-square, before the alarm bell rang; I was with captain Shortland when the report of it was made to him; it was made by Henry Rowe; whereupon captain Shortland, who was a great deal agitated, said, "where are the guards, where shall we get help?" and I advised ringing the alarm bell, which was done.

Robert M'Farlane, assistant surgeon, being sworn.

His evidence before the coroner being read to him, he said it was all correct.

John Bennett, store clerk, being sworn, says: I was at the breach; the prisoners were using very abusive language; I saw no stones thrown; I proceeded down the military walk; I was very near captain Shortland near the blacksmith's shop in the military-way; several people reported to captain Shortland that the prisoners were forcing the gate, and he then ordered the alarm bell to be rung; he went into the square with the guard; I heard captain Shortland tell the prisoners in the market-square to go back to their different prisons, and say how sorry he should be to use force; he remonstrated with them; this seemed to have no other effect than to produce the most infamous language from them; some minutes after a musket went off, and soon after many others; I was then so near captain Shortland that I am sure I should have heard it had he given orders to fire; but I did not, nor did I hear an order from any body—I did not see the charge, I heard captain Shortland order the soldiers to advance. Captain Shortland said, in my hearing: "my good fellows, go to your

different prisons, or the military must do their duty." I suppose the prisoners in the square must have exceeded some hundreds when captain Shortland went in with the guards.

George Magrath, surgeon of the hospital, being sworn.

(His evidence before the coroner was read to him, and he had nothing to add to it, but felt it his duty to say:) As some imputation of inebriety has been made against captain Shortland, I think it justice to say, that having observed him on the evening of the 6th, no man could be more free from it; and from my acquaintance with him and with his general habits in his family, I do not think any man can be more abstemious. I should consider it equally incumbent on me, as imputations of barbarity have been made against him, to say; that whenever I had occasion, as often happened, to make representations to him of any arrangement calculated for the health and comfort of the prisoners, he has always adopted it with great alacrity and shown every disposition to do every thing for their welfare.

George Holland, bugler of the Derby militia, being sworn, says: I recollect sounding the bugle on the evening of the 6th, in consequence of the prisoners' breaking thewall; several officers of the Somerset passing backwards and forwards in the in the military way, said, "the prisoners' were breaking down the wall and were breaking out of the gates, and were getting out, and every person would be killed; and told me on that account to sound a fire on the bugle, which I did; before this a considerable time, there had been firing, and I

am sure not four men would have known any thing about the sounds of the bugle if they were asked now.

Adjourned until to-morrow at 8 o'clock.

Met, pursuant to adjournment at 3 *o'clock—Dartmoor Prison of War, Monday, April* 24, 1815—*present Paul Treby Treby, Esq.*

John Collard, sergeant in the 1st Somerset militia, being sworn, says—I was on the north guard, commanded on the evening of the 6th, by lieutenant Avelyn. Some one, belonging to the department came, and told me to call out my guard; saying, fall in your guards as soon as possible, and march it up to the west-yard, and that that guard was going to the barrack-yard where the breach was. I fell in the guard, and marched them up opposite the west guard, where I halted them; was not there long before captain Shortland came up: he ordered me to take the guard to the market-square, and form it across; had seen nothing before this of what passed. On entering the market-square I heard a chain rattle at gate No. 1, on the left-hand side.—I formed the guard across the square; the guard was at the west guard house before the alarm bell rang; it rang a little first—stopped; and then I heard captain Shortland order it to be rung again. This was before we went into the square; it was not rung again till as we were going in. I observed two or three prisoners come out of gate No. 1. from the prison yard just as I entered the market gate; a greater number had entered before

the guard formed; whilst it was forming, I ordered the two sentries in front of the railings at the bottom, and the two on the platform above, to leave their posts and join the guard; they were all that were at those situations. As soon as they heard me thus order, the prisoners began to cry out keeno, and rushed into the square in as great numbers as they possibly could through the gate which had been broken. By the time I had formed my guard, they came up in great numbers close to us on our left flank; the guard gave way on the left where it was weakest, and where the prisoners made the greatest efforts to pass; the soldiers were then at the shoulder when the guard gave way. Captain Shortland ordered it to charge; he told off about fifteen file himself, whom he ordered to charge; repeated it two or three times before they did; they endeavoured to drive them back, but did not charge the same as they would an enemy; if they had they must have killed scores of them, as every bayonet would have told; they tried to drive them back without committing murder; the right of the guard did not charge; we drove them back about half the ground they had gained in the square. I was in the rear of the charging party; only the fifteen file told off charged in this way at first; the prisoners then began to throw stones at us in great numbers from within the railings and from the market-square; there were some scores still in the market-square; they were hurraing at the same time. An order was then given to fire on them; I heard the word given to fire by some one; I think the word given was in my rear; we were in great confusion; I was then in the rear of the soldiers; the prisoners were crying out fire; I could not then see captain Shortland; I did not look out for him; I had

something else to think of, when the order to fire was given; two or three men fired; immediately they obeyed the order; one musket was discharged first, and one or two very soon after. When these were discharged, I did not see any man killed, or any one hurt among the prisoners; I think the soldiers fired over their heads; then some prisoner or prisoners said, "You buggers why don't you fire; you have nothing but blank cartridges." Afterwards the firing became general, and the prisoners were driven into the yard. I heard no word of command for the second firing; the firing was not in a volley, but in small numbers at a time. There was no general return of the prisoners from the yard after the firing had taken place; they could not stand the firing; they could not come without being murdered the whole of them; they did not rally after the firing became general. I don't know how long the firing continued; but after it had gone on some time, the prisoners dispersed into their yards; then captain Shortland ordered the firing to cease. I am sure he did. He put up his hands, and said "cease firing;" giving it as a word of command: it then ceased generally in the market-place. As soon as possible a party of soldiers was ordered into the prison yards to turn the prisoners into their different prisons. I know nothing of what happened afterwards in the prison yard, as I remained in the square with the rest of the guard. I afterwards heard some firing in the yard, but paid no attention to it. I think the firing must have ceased from the ramparts soon after, otherwise some of our soldiers in the yard must have been shot. The general tenor of the prisoners' conduct was riotous. Many of our men were much hurt by the stones thrown, but not so as to be disabled from doing

duty. I am satisfied, in my own mind that, without the firing, the prisoners could not have been driven back. Had we charged on them like an enemy, we must have killed a great number; every bayonet must have killed one or more prisoners, they being so thick. The number of soldiers in the square, at the first firing, was about 54, exclusive of sergeants; our guard was about 38; and there were about 14 of the west guard. I can't say how many came in afterwards. The whole regiment assembled as soon as possible after the alarm; no officer gave orders to cease firing before captain Shortland; had there been such an order, it would have been obeyed.

Stephen Lapthorn, private in the 1st Somerset militia, being sworn, says—I was on the north guard on the evening of the 6th; went into the market-square with it; when I first went in, I saw two or three prisoners in the square near No. 1 gate; about 150 came in afterwards while we were forming; they pressed up very near the military; some of the military were ordered to charge, which was done; some prisoners went back in consequence, but others were coming through the gate upon us. Before the firing began, they had never been entirely driven out of the square. I heard an order given to fire, but don't know who gave it; it came from the right, in front; I was on the left. I did not see captain Shortland at this time; I can't say whose voice it was; am not sure whether it was from the prisoners or the military. The firing began immediately from about the centre; it did not begin by one musket, but by several together. When the firing began, I was at the charge; two prisoners seized my bayonet, and tried to twist it off; I don't know who they were. I told them to let go;

they said they would not—adding, fire and be damned. I got myself in danger, and was obliged to fire to get my musket released; I did so; but there were upwards of 20 fired before mine; saw a great quantity of stones thrown before my firing; while we were at the charge, the prisoners threw them till the last; one man stooped to pick up his cap, which I believe had been knocked off by a stone; this was before any firing. I don't think the prisoners would have been driven back without firing; as they continued pressing on captain Shortland was persuading them to retire, but they would not, saying they were not prisoners of war. I heard major Jolliff give orders to cease firing before they were driven into the prison-yard, and before the firing ceased in the market-square. I think he did so as soon as he came down; he was not there at first. Stones were thrown, and the firing continued in consequence after this order. I also heard several voices say cease firing, but cannot say whether they came from the military or from the prisoners.

William Gifford, private in the 1st Somerset militia, being sworn.

(His evidence before the coroner was read to him, and he said it was all correct.) I heard captain Shortland say—cease firing, about a few minutes after it began, he put his hand up by way of signal and said so; I dont know who gave the word to fire; I did not see where captain Shortlend was when the order was given to fire; I think he had just gone towards the left, and the word appeared to me to come from the right; therefore, I think it could not have been him who gave it; I did not hear first one musket discharged; the firing at first must have been in

the air, otherwise there must have been more prisoners hurt. Captain Shortland was running up and down when the word was given to fire; I heard no order given by any body else than capt. Shortland to cease firing. I don't know that it would have ceased, had orders been given; the prisoners were throwing stones and bricks continually; the firing ceased for a few minutes, after captain Shortland ordered it to cease; the conduct of the prisoners was such that it made us afraid from the stones thrown; and I don't think they could have been driven back without the firing. Had orders been given by any body else to cease firing, it might not have been heard from the noise.

John Soathern, private in the Derby militia, being sworn, says: I was one of the south guard on the evening of the 6th; was one of those formed across the square on the right of the north guard; I saw the prisoners charged down nearly to the railings; our guard charged down to the railings after the north guard. We went close to the railings, my bayonet touched them; when we got there, the prisoners began throwing stones; we stepped back a few paces, being so near the railings; one stone struck me on the right side; it almost knocked me down; I should have fallen had not a man kept me up; just then the firing commenced; after some time of firing capt. Shortland came in front and said, holding his hands up, "for God's sake, men, cease firing—cease firing." He went near to the railings; I and several others called to him, "come back, it is almost dusk;" he said, "you know me men, do cease firing;" but several muskets were discharged after this. Captain Shortland was not near me when it commenced; I did not see him; the order to fire was given at the left, and it passed through the ranks one af-

ter another, saying "fire, fire," but there was so much noise and shouting by the prisoners that it is impossible for me to say, who gave the word; I believe I was the 6th or 7th file from the right; I remained in the market-square; I don't know what passed in the prison-yard; I heard no officer before captain Shortland say, cease firing; but a few seconds afterwards some officers did. I did not see any prisoners in the market-square when the firing began, but they were behind the railings under the platform, throwing stones; I could not see about gate No. 1, there being sentry boxes between.

Lieut. Aveline, of the first Somerset militia, being sworn, says: I commanded the north guard on the evening of the 6th, I came into the market square with captain Shortland; the prisoners had burst No. 1 gate, and were rushing through in a great crowd when we went in, so that I thought the whole of them were coming out; capt. Shortland went forward to speak to them. I heard him saying "my good fellows do go back;" I did hear him say that, but the prisoners were making so much noise that I could not distinguish much of what he said; he also called to me not to suffer the prisoners to come too near my guard; they were then pressing forward in a very threatening manner; the guard was formed across the square about the middle; my guard was then about 38 men, and there were some others; the prisoners were so pressing on my guard, that many on the left fell back several paces; in order that they might not come too near them; they were then not close up to the wall, but I made them form close up afterwards; the left of my guard changed and I was with them—driving the prisoners back;

they did not charge by my order, nor did I hear captain Shortland order it; I considered myself under captain Shortland's orders; had I been alone, I certainly would have charged the prisoners long before, or rather have fired, conceiving it to be necessary from the threatening manner of the prisoners, and the great body of them which was coming up, and could soon have surrounded my guard. They were not quite driven out of the square by the charge; it was during this charge that I heard the first musket fired; I could not see where it was fired from, not being near enough, and being so much engaged in driving the prisoners back; it was I think to my right; at the first there was a single shot, and almost instantly after several others were fired; I heard no distinct order to fire; many of the prisoners were crying out to fire, and defying the soldiers; I was very near captain Shortland at the time, and think I should have heard him had he given the order; I heard no distinct order at first, or at any time to fire; captain Shortland was then near gate No. 1, to the left in front of the soldiers, and it would have been madness in him to have given the order in that situation. I was in front when the firing commenced and retired into the rear for my own safety; the prisoners retreated on the firing taking place; I gave orders to cease firing, after some time my guard then ceased, and I went to the front of the men; I did not hear any body else give orders to cease firing before myself, neither major Jolliff nor capt. Shortland; the noise was so great that I could not hear; I am certain had one man by chance fired, the irritation of the soldiers from the stones thrown at them previously was then so great that almost the whole of them would have followed; the prisoners did not appear to care for the bayo-

net, and I do not think from the state they were in, they could have been driven back without firing. The charge was not made with violence as against an enemy—the prisoners were struggling with the soldiers; many defied them; but others said they could not go back, as the press was so great; I remained in the market-square, did not go into the prison-yard; I kept my guard with me; one prisoner after the firing was over came up, opened his clothes and dared the soldiers to fire; I do not think the prisoners generally were intoxicated, but resolute. I do not think any man could have behaved like captain Shortland who was intoxicated, and I think he behaved with courage and humanity.

Ensign Samuel White, of the 1st Somerset militia, being sworn. (His evidence before the coroner was read to him, and he said he had nothing to add or alter.) I do not know of any order to the soldiers on the ramparts to fire, but suppose they took it up from the others: I suppose there might have been about half a dozen of my guard in the market-square; there was no firing through the breach.

Lieut. Fortye, of the 1st Somerset militia, being sworn, says: I had the command of the south guard on the evening of the 6th; I went into the square with my guard after the north was in, and formed on their right; they were already formed and in the act of firing when I arrived; that guard was then about 15 or 20 feet from the iron railings; there were no prisoners in the square between my guard and the railings; could not see to the left on account of the north guard; my guard took up the firing from others without any orders; immediately after they had formed in support of the

north guard; as soon as we formed I ordered the firing to cease. As soon as it could possibly be restrained I stopped it, it ceased almost immediately; I saw nobody else endeavour to stop the firing before. As soon as the prisoners had retired to their yards, my guard ordered their arms; remained where they were, and I remained with them; I cannot, therefore, speak to any thing that took place afterwards.

James Greenlaw, late second officer of the Prince de Neufchatel, American prisoner, being sworn. (His evidence before the coroner was read to him, and he said it was all correct.) I was between the two railings under the platform when I heard captain Shortland give the order to fire; I saw him then at the head of the troops, about the centre of the yard, close in front of them; when I heard the word to fire, I retreated into yard No. 4; had just got inside the gate when it began; it began immediately by a volley, not by a single musket; I am sure it began by a volley—I do not know how captain Shortland escaped; I suppse he knew how to take care of himself, and that his own men would not fire on him; he appeared to me to be standing close to the soldiers; I saw no stones thrown before the firing began; I don't know that I could have seen them; the prisoners were trying to get into No. 3, quietly, when the soldiers fired into it; I did not see any resistance among them. (This prisoner has a midshipman's warrant in the United States navy, and a furlough.)

John Slater, citizen of the United States, being sworn, says: I don't know an American prisoner named Roberts; I have been confined here above six months; I know of no concert among

the prisoners to break out by force; only attempts of individuals to escape at different times. I was at the gate No. 7; I was passing between No. 6 and 7 with two more men, when a part of five soldiers, I think, crossed at the further end of the prison from us; one man named Washington fell, but whether from the firing of this party, or from the ramparts, I do not know; he fell against me and knocked me down; I got up and ran away to my own prison, No. 5; there were only three prisoners on the spot where he was shot; the shot went through his temple.

Enoch Burnham, citizen of the United States, being sworn. (His evidence bofore the coroner was read to him, and he said it was all correct, and that he had nothing to add to it.)

Alexander Marshall, citizen of the United States, being sworn, says: I belong to prison No. 1; there were not more than 50 prisoners in the square when the soldiers charged; they charged as upon an enemy; they began firing, and I ran to No. 1 gate to get to my prison, but was nearly ten minutes before I could, on account of the press of the prisoners; there were about 400 soldiers in the market-square.

Cornelius Rowe, citizen of the United States, being sworn, says—I belong to No. 1 prison; I went to the breach; those about it told me it was made to get back a ball; they afterwards ran towards the gate No. 7, saying it was to shut it against the military; I saw the military come down the square and heard captain Shortland order them to charge; at which time there were about 40 or 50 prisoners in the square; I made towards my prison, and just

as I got into the yard there was a firing, and the prisoners were rushing as fast as possible to their own prisons; they shut the gate behind them; there were about 150 soldiers in the square.

William Dewetter, citizen of the United States being sworn says—I ran towards the gate to see what was the matter; on arriving I saw the soldiers charge; I turned round and just as I got inside the inner gate shots were fired; one grazed the side of my head which made me giddy, and turned me round two or three times; I saw a prisoner named Mann fall; went to him and took him up; the balls flew about so thick that if there was one I suppose there was one thousand.

Thomas Tindale, citizen of the United States being sworn, says—I was under the platform; saw the soldiers coming down the market-square and heard captain Shortland give orders to fire; he was then about the centre and in front of the soldiers; he had on a blue coat but without epaulets; he had a drawn sword in his hand; he gave orders twice to fire; I was not ten steps from him when I heard him; I heard every word he said; I saw him plainly; the firing commenced by one musket first, then two, and afterwards a whole volley; the firing began when captain Shortland gave the word the second time; I heard captain Shortland tell the soldiers to fire low; he was then still in front of the soldiers; I believe he was standing inside the muzzles of the foremost muskets; the soldiers were formed two deep; when the balls began to fly thick, I escaped into No. 3, and saw no more of what passed afterwards; when I heard the order to fire I was about the middle of gate No. 4; the soldiers charged up to the railings

and then fell back four or five paces, when captain Shortland gave the order to fire.

John C. Rowles, citizen of the United States, being sworn, says—I saw 40 or 50 prisoners in the market-square when the soldiers were drawn up.

Thomas Geo Shortland, captain R. N. commanding at the depot, being sworn says—On the evening of the 6th, a little before seven o'clock, Mr. Holmden, 1st clerk, came to my house and informed me there was a disposition of the prisoners to be riotous, as they had got between the railings and wall of No. 7 yard, and there were a number of people collected in No. 7 yard; in consequence, I walked down to the upper gates; on coming there, I was informed the prison barrack wall had been breached. I went to that yard and saw a large hole, and the military guarding it under an officer whom I since knew to be lieutenant Avelyn —on getting to the breach I observed the prisoners using an iron bar to enlarge it. I remonstrated and told them it was the prison barrack-yard, and that it would be dangerous for them to attempt to force in; the prisoners shouted and threw stones through the breach, and still continued at times to enlarge it. I then heard some one say they are breaching the wall above the cook house in the prison barrack yard, and nearly at the same time there was a call out that they were forcing the lower gates, while I was still in the lower barrack yard. I immediately left the yard and lieutenant Avelyn followed me, leaving the breach with a party and a sergeant; when I arrived at the blacksmith's shop I saw a rush of prisoners between the iron rails under the platform: the gate was at this time forced and the prisoners

were without the gates in the market-square, where they were not allowed to be; seeing this and having in my mind the breach in the barrack wall and the reported breach above the cook house—bearing this in mind with the reported threats that had been constantly told me that the prisoners would liberate themselves on or before the 10th April, I ordered the alarm bell to be rung —at this time part of the west guard, which is called the piquet, had gone round to turn the prisoners out of the rail way in No. 7 yard, and another part of the same picket was in the prison barrack yard; so that the force was reduced to the north guard only; lieutenant Avelyn formed that guard and marched down into the market-square. I preceded them and about half way down the guard formed in a line, keeping their left close to the hospital wall; at this time I should suppose there were from 4 to 500 prisoners in the market-square; I was perfectly unarmed and went down to remonstrate with them, using all persuasions in my power to make them return to their prisons, stating that the military guard was formed above them, and it was dangerous to attempt to use force. I was at this time about six paces in front of the guard; the prisoners kept still pressing up, and pressing me on the military; they appeared to want to get round the left of the military, keeping close to the hospital wall. At this time I looked back, and said, "for God's sake soldiers keep your ground," bearing in mind that there was not a single soldier above these to prevent escape through the outer gates; almost immediately, about twelve or fifteen soldiers charged down towards No. 1, towards the hospital gates about 5 or 6 paces, and they returned into line again. I was still at this time in front, and had gone forward again, urging the prisoners

who had retreated when a discharge of musketry took place; while I was in that position, being to the right of the centre of the guard, and not near the hospital wall, a musket ball grazed my temple in that discharge, when I retreated into line with the soldiers; the prisoners retreated and advanced again, and about this time major Jolliff came down; there was a call of wounded men from the prisoners, upon which I called to the turnkeys to assist in passing the wounded through the line of military, as they would not allow the prisoners to pass with them. While this was doing, there was another discharge both to my right and left; these near me did not fire at this time, as whenever I could I had requested them to desist; the turnkeys came down, (this was after the second discharge) and I was busily employed with Mr. Mitchell in directing the removal of the wounded up to the hospital. I can say nothing more of discharges of muskets in the market-square. I only observed two discharges there. I heard some from the prison yards and from the ramparts. I was in the market-square the whole time till the firing ceased, when major Jolliff came down to the market-square. I gave myself no further thoughts to the military, my whole mind being occupied in directing assistance to the wounded. I repeatedly said to the prisoners, "for God's sake go to your prisons," previously to the firing, and between the discharges; for being between the soldiers and them, I was warned by some of the former to keep clear of their fire, otherwise I should be shot. After the firing had ceased, and I got the receiving house door open to receive the wounded, I went into the north prison yard to see the prisoners shut up: the turnkey, Nicholls, of No. 1, had got them all in, but the door was not secured, but

which was soon effected by the military without firing. All the troops were marched out before I saw any thing more : I was in my undress uniform, and was perfectly unarmed. I never did give an order to fire ; and in support of this I can say, I stated in my official letter to general Brown, that major Jolliff gave the orders to fire, conceiving he had done so from seeing the major appear at that moment. Indeed in a former conversation with general Brown, in the presence of major Gladding, being asked if an attempt were made to resist the authority of the depot I should order the military to fire, I told general Brown as well as the major, that I did not think myself authorized to command the military to fire, because it was their duty to do it when they thought it necessary. I don't recollect a suspension of the ringing the bell, and then commencing again ; it was a continual ringing ; I ordered it in consequence of seeing that the prisoners had broken through the breach in the wall, and the other reported breach. I did not hear any order to fire ; it must be understood that I was with the prisoners, who were making a great noise, hurraing and rioting at the time.

The two best prisons, as the prisoners call them, are the two smallest, and I don't conceive them to be the best, as the others are the most roomy, and have been put in a state of repair since the release of the French prisoners ; those two (which are Nos. 2 and 6) have not. Being smaller, we keep one of them for a receiving prison for any drafts of prisoners who may come in of a sudden wet and fatigued : the other, when Dr. Baird, inspector of hospitals, was down, he requested might be reserved for particular cases of contagion, as a sort of quarantine receiving house for

newly arrived prisoners to prevent contagion spreading: the prisoners have been distributed nearly according to the directions of Dr. Baird, (he having power to alter the distribution on his visits.) The provisions of all the prisoners were stopped by the transport board's direction, for undermining the prisons. I remonstrated with them that the innocent would suffer with the guilty, but they replied that it must be so as in all general transactions of the kind. I was not out of the market-square until all the firing had ceased; I was not in No. 7 yard until an hour after the whole was over. Gatchell's statement about my running down that yard, is not true. I recollect a man coming up the market square with a wounded man, and after being told to go away he would not, and I gave him a push; he said that I must recollect I had struck him, but I made him no answer. Taking into consideration the apparent temper and resolution of the prisoners, and my remonstrances having no effect, I do not think they could have been driven back without firing; without the firing, I think they might have forced the guard, which they were in the attempt to do; if that guard had been forced, the depot would have been lost. On all occasions when the market was stopped, or any measure of the kind was taken, it was reported to the transport board along with the reasons for it, and they sometimes directed the stoppage to be continued. I am in the habit of reporting it after it is done. (Captain Shortland read the copy of a letter to the transport board, dated 14th February, 1815: it states, that in consequence of the escape of Simon Hayes, who had been directed by the board to be kept in close confinement in the Cachott, and his taking refuge among the prisoners, and the disorderly conduct

of the prisoners in not allowing the lamp-lighters to do their duty, he had stopped the market, and he read their answer, dated 16th February, approving of the measure in consequence of the reasons he stated.) The market has not been stopped more than twice. The first time was on the 24th October, 1814, on account of the prisoners not permitting themselves to be counted out of their prisons in the morning, which was necessary to ascertain if there was any escape. In a letter of the 27th, the board approved of the measure. In consequence of this, and the riotous conduct of the prisoners, captain Shortland stated several arrangements he had made since he came to the depot for the welfare of the prisoners; among others the following: On one occasion, when orders had been sent to remove the stoves from the prison on account of the health of the prisoners, he wrote a very strong letter to the board, urging that they might be retained, as they were very instrumental to the comfort of the prisoners. All the letters from prisoners to himself he opened and answered, and he keeps a clerk for the mere purpose of keeping accounts of moneys received for the prisoners.

He dates the commencement of the antipathy of the prisoners to him from the time when he got the transport board to prosecute some men for tattooing others; and states, that till that he was on good terms with them, going down at all times among them as he used among the French prisoners.

(COPY.)

Deposition of John C. Clement.

I sailed from New-York the 9th January, 1813, on board the brig Star, captain Reed, for Bordeaux, and was captured on the 9th February following, in the bay of Biscay, by his britannic majesty's ship Superb, (74,) honourable sir Charles Paget, commander. Went into Basque Roads, where, with other prisoners, I was put on board the Warspite, (74,) captain sir Henry Blackwood; proceeded in her to Plymouth, (England,) and on 19th March was sent on board the Hector, prison ship. On the 2d April 250 of us, American seamen, were marched to Dartmoor prison, where we were stowed in among 9 or 10 thousand French prisoners, who were in a filthy, dirty condition. During our confinement, Shortland, the keeper, repeatedly stopped our markets for several days at a time without any provocation, or giving any reasons for this conduct, and our provisions were repeatedly short, not having our full allowance issued us. Shortland attempted several times to give us bad bread and provisions, and was guilty of many acts tending to irritate us, and render our situation very uncomfortable On the 5th of April last, particularly, he gave orders to the contractors to serve us bad bread, which the prisoners would not receive, and, at the usual hour of closing the prisons, the turnkeys came to shut us in for the night; but we proceeded in a body to the market-square, where an officer of the guard, on our representations to him, (Shortland then being

absent to Plymouth,) advised us to return to our prisons, and he would have the bread sent us; which was done, and we retired to rest about 12 at night.

On the 6th of April, (the following day,) at 6 P. M. while a number of American prisoners were playing ball in yard No. 7, where a small hole, the size of a large pane of glass, sufficiently large to admit a boy or small man, to pass through, had been made by some person or persons for the purpose of obtaining the ball when it flew over the wall into a large yard enclosed by high walls, (wherein the soldiers were stationed in the barracks:) at 6 P. M. as before mentioned, captain Shortland, the keeper, entered the gate of No 1, with 250 or 300 soldiers, armed with muskets and bayonets, the alarm bell ringing at the same time, when he, Shortland, ordered one of the soldiers to fire at the prisoners in yard No. 1: the soldier not willingly obeying, he snatched a musket from one of them, and shot a prisoner. The soldiers then commenced firing on the prisoners, who were then sallying out of their prisons, to learn the cause of the firing, the soldiers continuing at same time to re-load and fire on them. Four or five soldiers proceeding at this time also to the extremity of the yard in pursuit of the flying prisoners, and, as they cried for quarters, they replied, "no quarter shall be given you, you damn'd yankee rascals"—or similar words—and instantly shot the flying prisoners. Shortland and the soldiers then proceeded to prison No. 3, (No. 2 being empty and closed,) where they fired through the windows and doors on the prisoners inside, and shot through the heart one man while in the act of drinking a can of beer, and wounded another as he was endeavouring to escape up stairs: they

then proceeded to yard No. 4, where the 2d lieutenant, snatching a musket out of a soldier's hand, shot a boy, soldiers firing at same time into the prison through the doors and windows. After having received a reinforcement of soldiers, they then proceeded to yard No. 7, where they commenced an indiscriminate fire on the prisoners, while they were flying to escape into their prisons.

On this day there were seven prisoners killed, on the spot, and thirty-eight wounded, three of whom died two days after.

On the 7th April a coroner's inquest was held, composed of American prisoners, (the officers of the prison being present, all save captain Shortland,) where a verdict of "wilful murder" was brought in. On the 8th a coroner's inquest was held, composed of a number of neighbouring farmers, who returned a verdict of "justifiable homicide." On the 9th admiral Rowley and a British post captain arrived at the prison from Plymouth, by direction of the Transport Board, to inquire of the prisoners into the transaction. During our confinement the American agent, (Beasley) did not give us, say from 2d April, 1813, to March, 1814, the 6s. 8d. sterling per month, as well as the suit of clothes allowed us annually by our government—which money and clothes the prisoners have never received; and when I, with 250 others, were released from prison, there was likewise a shirt, pair of shoes, and 6s. 8d. due us, which we never received. The prisoners had applied to Beasley repeatedly for what was due them, but received no satisfaction.

He never visited the prisons but once during the two years and upwards I was there. The 250 prisoners, and, among them, myself, were re-

leased from prison on the 20th April last, and proceeded to Plymouth, and were put on board the cartel Maria Christiana, and arrived at New-York on 5th June, 1815. I did not know, nor did I hear of a plot or scheme to escape out of prison, as alleged by Shortland, in justification of his attack on us on 6th April: On the contrary, it is my firm belief, if the gates had been thrown open to us at this time, none of us would have sallied forth to escape, because, being most of us destitute of money (the agent having withheld our pay) numbers of us miserably clothed, and without shoes (also withheld from us) numbers having walked, when released from prison, barefoot to Plymouth, through fear also of being arrested and closely confined, or, what was more probable, impressed into the British service, at a time when there was a very hot impressment going on in England, because having also heard some weeks previous of peace having taken place between Great Britain and America, which would release us from prison.

I know of no cause or reason that can justify the unprovoked attack upon us by Shortland and the soldiery, but do verily believe the thing was wantonly, wickedly, and maliciously, premeditated by Shortland and his officers, to spill the blood and destroy a number of unarmed, defenceless American seamen.

Every thing I have stated I do, to the best of my recollection, believe to be, without the least exaggeration, strictly true.

JOHN C. CLEMENT.

Affirmed before

JOHN GEYER,

An Alderman of the City of Philadelphia.

June 19th, 1815.

A LIST OF WITNESSES.

	Examinations before commissioners,	coroner.	American or English.
Allen, Henry	94		A.
Arnold, John	116	56	E.
Arnold, Richard	115	43	E.
Avelyne, lieutenant	126		E.
Bennett, John	118		E.
Best, Samuel	106		E.
Boggs, James	74		A.
Burgoyne, Henry	84		E.
Burnham, Enoch	130	65	A.
Bushfield, James N.	99		A.
Carley, James	113		E.
Cephus, Richard		47	A.
Challacumb, George	105		E.
Clements, William	100		A.
Collard, John	120		E.
Colton, Walter	87		A.
Davis, Andrew	96		A.
Davis, Lot	106		A.
Dewetter, William	131		A.
Edwards, Thomas		31	E.
Fortye, lieutenant	128		E.
French, John	112		E.
Gatchell, John G.	94		A.
Gifford, William	124	59	E.
Greenlaw, James	129	63	A.
Groves, James		61	E.
Hall, Stephen	116	45	E.
Hamlet, John	80		E.
Hobart, William	89		A.
Holland, George	119		E.
Holmden, Robert	117	67	E.
Holmes, Addison		54	A.
Hubbard, John	102		A.

	Examinations before commissioners,	coroner.	American or English.
Hull, Homer	103	68	A.
Jackson, Edward	85		E.
Johnson, Robert	98		A.
Jolliff, major John	82		E.
Joseph, Francis	94		A.
Lapthorn, Stephen	123		E.
M'Farlane, Robert	118	70	E.
M'Kinnon, Neil	91		A.
Magrath, George	119	48	E.
Manning, Joseph		72	E.
Marshall, Alexander	130		A.
Mitchell, John	117	38	E.
Morgan, Samuel	114		E.
Mitchell, William	105		A.
Mott, Thomas B.	86	64	A.
Nicholls, Daniel	111		E.
Norris, William	110		E.
Odiorne, John	97	51	A.
Orne, William B.	90		A.
Pitmore, David	112		E.
Pitt, George	84		E.
Reeves, James	103		A.
Rodd, John	110		E.
Rowe, Cornelius	130		A.
Rowe, Henry	116		E.
Rowles, William	79		E.
Rowles, John C.	132		A.
Rust, John	73		A.
Soathern, John	125		E.
Saunders, John	76		E.
Shortland, capt. T. George	132		E.
Slater, John	129		A.
Smith, Gerard	97		A.
Smith, William	77		E.
Tindale, Thomas	131		A.

	Examinations before commissioners,	coroner.	American or English.
Tozer, John	116	71	E.
Trowbridge, John	73		A.
Tutt, John	78		E.
Wakelin, William	114		E.
Walker, Richard	108		E.
Ward, William	109		E.
Warren, David S.	107	62	A.
Wheeler, Amos	74		E.
White, ensign Samuel	128	33	E.
Williams, John	81		E.

Deposition of John C. Clement, page 138.

List of Papers in Packet marked C.

Extracts of a letter from the commissary general of prisoners to R. G. Beasley, esq. American agent for prisoners of war in England, dated March 6, 1815.

Letter of the commissary general of prisoners to George Barton, esq. dated 6th March, 1815.

Table of provisions to be allowed to prisoners of war, whether American or British, on board of vessels transporting them.

Letter of R. G. Beasley to the commissary general of prisoners, dated 13th April, 1815.

Letter of Alexander M'Leay to R. G. Beasley, dated Transport-Office, 10th April, 1815.

Letter of J. P. Morier, to R. G. Beasley, dated Foreign-Office, 11th April, 1815.

Letter of J. W. Croker, to J. P. Morier, dated Admiralty-Office, 10th April, 1815.

Letter of R. G. Beasley, to the commissary general of prisoners, dated 15th April, 1815.

Report of the committee of the American prisoners confined at Dartmoor, dated 7th April, 1815.

Letter of R. G. Beasley, to the commissary general of prisoners, dated 18th April, 1815.

List of prisoners wounded on the evening of the 6th April, 1815; signed by George Magrath, surgeon.

A return of American prisoners of war, who were killed and wounded in an attempt to force the military guard at Dartmoor Prison, on the evening of the 6th April, 1815; signed, Thomas George Shortland, agent, George Margrath, surgeon.

Letter of Alexander M'Leay to R. G. Beasley, dated Transport-Office, 19th April, 1815.

Letter of R. G. Beasley to the commissay general of prisoners, dated 30th April, 1815.

Extracts of a letter from R. G. Beasely, to the commissary general of prisoners, dated 10th October, 1815.

Letter of R. G. Beasley to Alexander M'Leay, dated, 1st January, 1815.

Letter of Alexander M'Leay to R. G. Beasley, dated Transport-Office, 21t January, 1815.

Letter of R. G. Beasley to Alexander M'Leay, dated 15th March, 1815.

Letter of Alexander M'Leay to R. G. Beasley, dated Transport-Office, 15th March, 1815.

Extract of a letter from R. G. Beasley to the committee of American prisoners of war at Dartmoor, dated 22d March, 1815.

Letter of R. G. Beasley to the American prisoners of war at Ashburton, dated 23d March, 1815.

Letter of R. G. Beasley to captain Shortland, dated 25th March, 1815.

Letter of R. G. Beasley to Dr. George Magrath, surgeon of Dartmoor Prison, dated 31st March, 1815.

Letter of R. G. Beasley to the committee of American prisoners of war at Dartmoor, dated 31st March, 1815.

(C)

Extracts of a Letter from the Commissary General of Prisoners to Reuben G. Beasley, esq. American Agent for Prisoners in England, dated March 6th, 1815.

I have received your letters of November 17th, December 21st and 31st last, by the British sloop of war Favourite; I could write you nothing definitive by the return of that vessel, in relation to the arrangements to be made in England for the restoration of our prisoners held there, as I could not, until after the time her despatches left the seat of government of the United States, come to an understanding with Mr. Baker, charge des affaires for his britannic majesty, as to the terms and manner of restoring the prisoners on both sides under the treaty.

I now enclose you a correspondence begun on the 22d February and concluded on the 28th, on that subject; by this you will perceive the construction which is given here in relation to this point, and that Mr. Baker has declined in any way to commit his government, and that in order to produce as little expense and delay as possible to either government in the operation, I have given him the election of several propositions, after he declined to proceed on the principle which I had presumed to exist, and which in his letter of the 23d February he appears to admit; that each party should restore to the country from which taken, the prisoners held by it; and that the proposition he has accepted, embraced the transportation of all the prisoners, British and American, at English

or American stations in this quarter; at the expense, in the first instance, of this government; the accounts to be adjusted hereafter, according to justice, and the terms of the treaty between the two governments. Preparations are now actually going on, for the immediate removal and transportation, of all the British prisoners we now hold in this country; in numbers probably about 3,500, military and maritime.

The question you will remark, as to the restoration of American prisoners in England, is left open. You are requested immediately on reception of this letter, to communicate the correspondence with Mr. Baker, to the proper authority of the British government; to show what is doing here in relation to the delivery and receipt of prisoners of both countries, and to state that the liberal proposition, of taking upon ourselves the transportation both of British and American prisoners, and to make the requisite advances for this purpose, was offered in that spirit of amity, which it was deemed, on the happy return of peace between the two nations, to belong to the case; to ensure the most speedy relief to the unfortunate men held in durance by either, and to lessen the expense as much as possible to both governments; and with an express reservation of the construction of the treaty, as given here without commitment of the principle contended for by us, that is, that each party should pay the expense of the transportation and delivery of the prisoners held by it; that the operation will be performed in the most economical manner practicable; and accurate lists of prisoners, and accounts kept for the final adjustment of an account between the two governments; and you will require of the British government to transport and deliver all the American prisoners now

in England, or elsewhere, not embraced in the arrangement with Mr. Baker, in the most speedy and convenient manner. If this is consented to, as I trust it will, you will ask to be permitted to make the same kind of interference, which has been afforded here to the British agents, as by the enclosed copy of a letter to Mr. Barton, (delegated by Mr. Baker,) of the 6th instant.

You will request that the same relations be allowed to our prisoners which are supplied on board ships to the British prisoners about to be transported from this country, and that a sufficiency of sound stores be laid in to supply them for 90 days, and you will apply for permission, and place on board each transport, an agent on whom you can rely, who shall have power to inspect the stores, and accommodations, and see that the prisoners are regularly and properly supplied; persons proper for these agencies may, no doubt, be found among the American masters and mates, now prisoners in England, to whom it will be right to make some reasonable compensation for their trouble, say 30 or 40 dollars per month, and you will instruct each in writing, and direct them to make report, on their arrival, to this office. You will require also, that the British government put a surgeon on board each vessel, supplied with a proper quantity of medicine and medical stores, as has been done here.

In the embarkation and distribution, as to the ports of delivery here, you will, having examined carefully all the lists, endeavour as much as possible so to assort the prisoners, as that each may be placed as far as is conveniently practicable, nearest his home; or more properly speaking, to the port from which he sailed; and for this purpose, you will designate for the destination of the transports,

four of our principal ports along the coast, that is to say, Boston, New-York, Norfolk, and Charleston; I have named those near the ocean as being most easy of access, and least liable on that account to objection. To prevent complaint, it will be proper, with as few exceptions as possible, to send those prisoners first, who have been longest in captivity; there is no other rule that carries so much justice with it, and it is naturally to be expected, that after such long and severe confinement, the anxiety of our unfortunate citizens so held, to be released, will be very great, and preferences out of turn will be viewed with great jealousy and discontent.

It remains to point out to you what is to be done should the British government, under all the circumstances stated, refuse to restore to us our prisoners in England at its expense. After making all proper efforts on this point, and with as little delay as possible; should you fail, there will be nothing left, (having first protested in a respectful but firm manner, against such refusal, should it happen, and giving notice that an accurate account will be kept of all the expenditures made by us in this part of the transaction, for future adjustment under the terms of the treaty,) but to take the most speedy, and effectual measures of transporting them at the expense of this government in the first instance, at least, to the United States.

I have been particular in my instructions in this letter in endeavouring to anticipate alternatives, and to put you fully in possession of my ideas on all the points that occur to me at present, in order that you may be prepared to proceed immediately on its reception, in some one course, without a moment's delay. The operation you will have to perform, whatever course is taken, is one of much consequence in every view: impor-

tant to the government in affording the most speedy relief possible to our countrymen, placed in the hands of its late enemy by the fate of war; highly interesting to these unfortunate men, whose anxiety to return to their country and friends must increase, with the knowledge of the end of the war, and the expectation that nothing but forms and want of opportunity now retard their departure; and of great consideration to the commercial interest of the United States, to have restored to it so many valuable seamen with as little delay as possible.

Your zeal and activity are therefore fully counted on, to do all that may depend on you, to conduct this business to the best advantage in all its bearings, and with the requisite economy.

I particularly recommend that you do not permit the interchange of sentiments in negotiation with the British government, as to the mode and expense of transportation to be spun out, it will be expected that it will be prompt in deciding on the course it may determine to take in that matter; you will be readily able to show the necessity of an immediate decision.

From the Commissary General of Prisoners to George Barton, esq.

Office of Commissary General of Prisoners, Washington, March 6, 1815.

SIR,

Having been referred to you by Anthony St. John Baker, esq. charge des affaires of his britannic majesty in the United States, in relation to the steps necessary to be taken to carry into exe-

cution the restoration of the prisoners of war, American and British, held in the United States, Canada, Nova-Scotia, and the West-Indies, according to the understanding which has taken place between him and myself, of the nature of which you are apprised, I have the honour to inform you, that orders, some days ago, have been given for the immediate march of all the British prisoners captured on the land or the Lakes, to the frontier of Canada, to be delivered at or near Odletown, and for the immediate embarkation, in commodious vessels, of all the maritime prisoners held at New-York, Providence, Rhode-Island, Salem, and at any port east of Salem, comprising all the prisoners indeed held at, or east of New-York, for Halifax. These will be transported in the public cartel ships Perseverance and Analostan, and an additional private transport ordered to be taken up at Salem. All the prisoners held at New-York or Providence, will be sent from Providence in the Perseverance or Analostan, whichever is first ready, and those at Salem, or east of it, or at any intermediate port, will be sent in the other public ship, and in the private ship from Salem. The British prisoners at Philadelphia have been ordered this day to be removed to New-York, where they will be embarked in the frigate John Adams, armed en flute for Bermuda. Those which were held in the waters of the Chesapeak have been ordered to be delivered on board the British public ships now in those waters, by an understanding had with the senior officer, captain Clavell, of the frigate Orlando, and it is presumed have been by this time received by him. All those in North or South Carolina, or Georgia, will be, as soon as practicable, embarked from Wilmington, Charleston, and Savannah, for Bermuda, in public ships or private

transports; as soon as the vessels are designated, which will be in a few days, you will be informed. Orders have been sent to the marshal of Orleans to collect and deliver, forthwith, all the British prisoners in that State, and the adjoining territories, to the British officer commanding in those waters, and it is presumed they will reach him time enough to dispose of them before your public ships withdraw from that quarter. All these arrangements have been made, or are now in train, as I believe, according to the detail settled in different conversations between you and myself; if there is any thing in what I have stated different from your understanding of it, I shall be glad, as far as is in my power, to conform to it.

I have given particular orders that the British prisoners be not put in such numbers on board the vessels transporting them, as to crowd them improperly; and am willing, if you think proper, that this shall be regulated by a certain number of men per ton. I have directed that sound and wholesome provision, and plenty of water, be laid in for them, and served out on the passage in rations, as by the enclosed table: That a surgeon be allotted to each ship, provided with a proper quantity of medical and hospital stores, and I have directed the agents of this office, at the ports from which the prisoners are to be embarked, to make provision on board each ship for the accommodation of an agent, to be put on board by you, if you think proper to do so, to superintend the treatment and accommodation of the prisoners, and to inspect the quantity and quality of the provisions issued to them on the passage; and the masters of the respective ships will be instructed to respect such agents on your part in the performance of the duties assigned them.

In conformity with the request made in your letter of the 25th February, I have directed the marshal of North-Carolina, and all the other marshals of the different States, having charge of British prisoners, to release all the British prisoners, officers in their districts, respectively, whether of public or private service, who may not choose to wait the sailing of the cartels, and to permit them to leave the country at their option and expense.

I have ordered that all the British maritime prisoners be held and subsisted as heretofore at the several depots until they are regularly embarked; if it is your wish, however, that any portion of these other than those you have already designated for that purpose, should be discharged in the United States, it shall be done.

I have the honour to be, &c.

(Signed) J. MASON.

TABLE OF PROVISIONS

To be allowed to Prisoners, whether American or British, on board of vessels transporting them.

Days.	*Allowance for each person.*
Sunday,	1 lb. beef, 1 lb. bread, ½ lb. potatoes.
Monday,	1 lb. beef, 1 lb. bread, ½ lb. do.
Tuesday,	1 lb. pork, 1 lb. bread, ½ pint peas.
Wednesday,	1 lb. beef, 1 lb. bread, ½ lb. potatoes.
Thursday,	1 lb. beef, 1 lb. bread, ½ lb. do.
Friday,	1 lb. pork, 1 lb. bread, ½ pint peas.
Saturday,	1 lb. beef, 1 lb. bread, ½ lb. potatoes.
	One gill of vinegar per week.
	Three quarts of water per day.

RECAPITULATION.

Beef,	5 pounds per man	per week.
Pork,	2 do.	do.
Bread,	7 do.	do.
Potatoes,	2½ do.	do.
Peas,	1 pint per man,	do.
Vinegar,	1 gill do.	do.
Water,	21 quarts do.	do.

Office of Commissary General of Prisoners.

(Signed,) J. MASON.

(COPY.)

From R. G. Beasley to the Commissary General of Prisoners.

London, April 13, 1815.

SIR,

I had the honour to receive yesterday your letters of the 15th January 6th, 6th, and 8th of March. I shall avail myself of the earliest occasion to notice their contents. In the mean time I have to inform you that I have communicated to the transport board the correspondence between yourself and Mr. Baker, on the subject of the restoration of prisoners, and have called on them to undertake the transportation to the United States of our prisoners in this country. Prior, however, to the receipt of your letter on this subject, I had engaged in this port 9 ships for the conveyance of our prisoners, several of which have sailed for Plymouth to take them on board. I, in the first instance, endeavoured to engage vessels at Portsmouth and Plymouth, but the turn of affairs in France having induced this government to take up transports for the conveyance of troops, I could obtain none in these ports.

It is with extreme regret I have to state, that on the 6th instant the guard of the depot at Dartmoor, by order of the agent, fired on the American prisoners, killed 5, and wounded 34. I transmit herewith two reports of this unfortunate affair, one from the transport board, and one from the admiralty office, through the foreign office.

By the latter you will perceive that the prisoners are accused of having attempted to liberate themselves by force, and are stated to have been urged to this by the impression they were under

that their own government had neglected to provide means for their early conveyance home.

As the prisoners have been constantly informed of the exertions made by me for their release, and as on this occasion I had written twice to let them know the number of vessels taken up for their conveyance home, and the time they might be expected at Plymouth, it is difficult to believe, under such circumstances, that this is really the cause of this melancholy occurrence. I shall, therefore, inquire most minutely into all the circumstances attending it, and shall communicate the result to you, as also the names of those who have been killed and wounded.

I am, Sir, your obedient servant,
(Signed,) R. G. BEASLEY.

The hon. John Mason, &c. &c.

(COPY.)

From Alexander M'Leay to R. G. Beasley.

Transport-Office, 10th April, 1815.

SIR,

I am directed by the commissioners for the Transport service, &c. to acquaint you, that by a letter this day received from captain Shortland, the agent for prisoners of war at Dartmoor prison, it appears that on the 6th inst. the American prisoners confined at that depot made a breach in the prison wall, and attempted to liberate themselves by making a violent attack on the guard,

and that it became indispensably necessary, in order to quell the revolt, for the guard to fire upon them, in consequence of which five of the prisoners were killed and thirty-two were wounded.

I am further directed to observe that it is much to be lamented, that the extreme impatience of these unfortunate men to be discharged, at a time that measures were in a train for their liberation, should have produced such melancholy consequences.

I am, sir,
Your most obedient humble servant,
(Signed) ALEX. M'LEAY, *Sec'y.*
R. G. Beasley, esq.

(COPY.)

From J. P. Morier to R. G. Beasley.

Foreign-Office, 11th April, 1815.

SIR,

I lose no time in transmitting to you the copy of a letter which I have received from Mr. Croker, of the admiralty, giving a circumstantial account of the alarming riot which broke out, on the 6th inst. amongst the American prisoners of war, confined at Dartmoor, and of the measures which it became necessary to pursue for the purpose of restoring order; and I am directed by lord Castlereagh to request that you will take an early opportunity of forwarding this statement of the unfortunate event to your government.

I have the honor to be,
Sir,
Your most obedient humble servant,
(Signed) J. P. MORIER.
R. G. Beasley, esq.

(COPY.)

From J. W. Croker to J. P. Morier.

Admiralty Office, April 10th, 1815.

SIR,

My lords commissioners of the admiralty think it right to acquaint lord Castlereagh, that on the evening 6th inst. a very alarming riot broke out amoog the American prisoners of war confined at Dartmoor. The rioters, it appears, endeavoured to overpower the guard, to force the prison, and had actually seized the arms of some of the soldiers and made a breach in the walls of the depot, when the guard found itself obliged to have recourse to their fire arms, and five of the rioters were killed, and thirty-four wounded; after which the tumult subsided, and the depot was placed in a state of tranquillity and security.

Admiral sir J. T. Duckworth, commander in chief at Plymouth, having received information of this unfortunate event, lost no time in directing rear admiral sir Josias Rowley, bart. and k. b. and capt. Schornberg, the two senior officers at that port, to proceed to Dartmoor, and to inquire into the circumstances. Those officers accordingly repaired to the depot, where they found, on examination of the officers of the depot, and all the American prisoners who were called before them, that the circumstances of the riot were as before stated, but that no excuse could be assigned for the conduct of the prisoners, but their impatience to be released; and the Americans unanimously declared, that their complaint of delay was not against the British government, but against their own, which ought to have sent means for their early conveyance home; and in replies to distinct

questions to that effect, they declared they had no ground of complaint whatsoever.

Their lordships think it right to add, that on the 15th of last month, they directed the transport board to take measures for carrying the article of the treaty for the release of American prisoners, into effect, and again on the 30th ultimo, I was directed to write to know what steps had been taken under these directions, and the transport board answered in their letter of the next day, that they had communicated with Mr. Beasley, the American agent, on the subject, who had acquainted them that he had already provided some transports, and was employed in procuring others, for the conveyance of the prisoners to America.

It will be for lord Castlereagh to judge whether it may not be proper to make a communication on this subject to the American government.

I am, &c.

(Signed) J. W. CROKER.

J. P. Morier, esq.

From R. G. Beasley to the Commissary General of Prisoners.

London, 15th April, 1815.

SIR,

I enclose a copy of the report of the committee of our prisoners on the lamentable transaction of the 6th instant, which I communicated to you on the 13th. with a statement from the Admiralty Office on that subject.

I have transmitted a copy of the report of the committee to lord Castlereagh, as also three affidavits of prisoners, who were in the prison at the time, and have since arrived in town.

As soon as I can obtain a list of the names of the unfortunate sufferers it shall be transmitted to you.

I have the honour to be
Sir,
Your most obedient servant,

R. G. BEASLEY.

The hon. John Mason, &c. &c.

From the committee appointed to investigate the circumstances attending the massacre at Dartmoor.

We, the undersigned, being each severally sworn on the holy Evangelists of Almighty God, for the investigation of the circumstances attending the late massacre, and having heard the depositions of a great number of witnesses, from our own personal knowledge, and from the depositions given in as aforesaid,

REPORT AS FOLLOWS.....

That on the 6th of April, about six o'clock in the evening, when the prisoners were all quiet in their respective yards, it being about the usual time for turning in for the night, and the greater part of the prisoners being then in the prisons, the alarm bell was rung. Many of the prisoners ran up to the market-square, to learn the occasion

of the alarm. There were then drawn up in the square several hundred soldiers, with capt. Shortland (the agent) at their head; it was likewise observed at the same time, that additional numbers of soldiers were posting themselves round the walls of the prison yard. One of them observed to the prisoners, that they had better go into the prisons, for they would be charged upon directly. This, of course, occasioned considerable alarm among them; in this moment of uncertainty, they were running in different directions, inquiring of each other what was the cause of the alarm, some towards their respective prisons, and some towards the market-square, when about one hundred were collected in the market-square, capt. Shortland ordered the soldiers to charge upon them, which orders the soldiers were reluctant in obeying, as the prisoners were using no violence; but on the orders being repeated, they made a charge, and the prisoners retreated out of the square into their respective prison yards, and shut the gates after them. Capt. Shortland himself opened the gates, and ordered the soldiers himself to fire in among the prisoners, who were all retreating in different directions towards their respective prisons. It appears there was some hesitation in the minds of the officers, whether or not it was proper to fire upon the prisoners in that situation; on which Shortland seized a musket out of the hands of a soldier, which he fired. Immediately after the firing became general, and many of the prisoners were either killed or wounded; the remainder were endeavouring to get into the prisons, when going towards the lower doors, the soldiers on the walls commenced firing on them from that quarter, which killed some and wounded others; after much difficulty, (all the doors being closed in the interim, but one in each

prison,) the survivors succeeded in gaining the prisons. Immediately after which parties of soldiers came to the doors of No. 3 and 4 prisons, and fired several volleys into them, through the windows and doors, which killed one man in each prison, and wounded severely several others.

It likewise appears that the preceding butchery was followed up with a disposition of peculiar inveteracy and barbarity. One man, who had been severely wounded in No. 7 yard, and being unable to make his way to the prison, was come up with by the soldiers, whom he implored for mercy, but in vain—*five* of the hardened wretches immediately levelled their pieces at him, and shot him dead! The soldiers who were posted on the walls manifested equal cruelty, by keeping up a constant fire on every prisoner they could see in the yard, endeavouring to get into the prisons, when the numbers were very few, and when not the least shadow of resistance could be made or expected. Several of them had got into No. 6 prison cook house, which was pointed out by the soldiers on the walls to those who were marching in from the square; they immediately went up and fired into the same, which wounded several; one of the prisoners ran out, with the intention of gaining his prison, but was killed before he reached the door.

On an impartial consideration of all the circumstances of the case, we are induced to believe it was a premeditated scheme in the mind of capt. Shortland, for reasons which we will now proceed to give. As an elucidation of its origin, we will recur back to an event which happened some days previous. Capt. Shortland was, at the time, absent at Plymouth, but before going, he ordered the contractor, or his clerk, to serve out one

pound of indifferent hard bread, instead of one pound and a half of soft bread, their usual allowance. This the prisoners refused to receive. They waited all day in expectation of their usual allowance being served out; but at sunset, finding this would not be the case, they burst open the lower gates, and went up to the store, demanding to have their bread. The officers of the garrison, on being alarmed, and informed of the reasons of this proceeding, observed that it was no more than right the prisoners should have their usual allowance, and strongly reprobated the conduct of capt. Shortland in withholding it from them. They were accordingly served with their bread, and quietly returned to their prisons. This circumstance, with the censures that were thrown on his conduct, reached the ears of Shortland on his return home, and he must then have determined on the diabolical plan of seizing the first slight pretext to turn in the military to butcher the prisoners, for the gratification of his malice and revenge. It unfortunately happened that in the afternoon of the 6th of April some boys who were playing ball in No. 7 yard, knocked their ball over into the barrack yard, and on the sentry in that yard refusing to throw it back to them, they picked a hole through the wall to get in after it. This afforded Shortland his wished-for pretext, and he took his measures accordingly. He had all the garrison drawn up in the military walk, additional numbers posted on the walls, and every thing ready prepared before the alarm bell was rung. This he naturally concluded would draw the attention of a great number of prisoners towards the gate to learn the cause of the alarm, while the turnkeys were despatched into the yards to lock all the doors but one of each prison, to pre-

vent the prisoners, retreating out of the way before he had sufficiently wreaked his vengeance.

What adds peculiar weight to the belief of its being a premeditated massacre, are, firstly, The sanguinary disposition manifested on every occasion, by Shortland, he having prior to this time ordered the soldiers to fire into the prisons, through the windows, upon unarmed prisoners, asleep in their hammocks, on account of a light having been seen in the prisons, which barbarous act was repeated several nights successively; that murder was not committed was owing to an over-ruling Providence alone, for the balls were picked up in the prisons, where they passed through the hammocks of men then asleep in them: He having ordered the soldiers to fire upon the prisoners in the yard of No. 7 prison, because they would not deliver up to him a man who had made his escape from the cachott, which order the commanding officer of the soldiers refused to obey: and generally he having seized on every slight pretext to injure the prisoners, by his stopping the marketing for ten days repeatedly, and once a third part of their provisions for the same length of time.

Secondly, He having been heard to say, when the boys had picked the hole in the wall, and some time before the alarm bell rung, and while all the prisoners were quiet in their respective yards as usual, "I'll fix the damned rascals directly."

Thirdly, His having all the soldiers on their posts, and the garrison fully prepared before the alarm bell was rung. It could not of course then be done to assemble the soldiers, but to alarm the prisoners and create confusion among them.

Fourthly, The soldiers on the wall, previous to the alarm bell being rung, informing the prisoners that they would be charged upon directly.

Fifthly, The turnkeys going into the yard and closing all the doors but one in each prison, whilst the attention of the prisoners was attracted by the alarm bell. This was done about fifteen minutes sooner than usual, and without informing the prisoners it was time to shut up. It was ever the invariable practice of the turnkeys, from which they never deviated before that night, when coming into the yards to shut up, to halloo to the prisoners so loud as to be heard all over the yards, "turn in, turn in," while on that night it was done so secretly, that not one man in a hundred knew they were shut, and in particular their shutting the door of No. 7, which the prisoners usually go in and out at, (and which was formerly always the last one closed,) and leaving one open in the other end of the prison, which was exposed to a cross fire from the soldiers on the walls, and which the prisoners had to pass in gaining the prison.

It appears to us that the foregoing reasons sufficiently warrant the conclusions we have drawn therefrom. We likewise believe, from the depositions of men who were eye witnesses of a part of Shortland's conduct on the evening of the 6th April, that he was intoxicated with liquor at the time, from his brutality in beating a prisoner, who was then supporting another, severely wounded; from the blackguard and abusive language he made use of; and from his having frequently been seen in the same state: his being drunk was of course the means of inflaming his bitter enmity against the prisoners, and no doubt was the principal cause of the indiscriminate butchery, and of no quarter being shown.

We here solemnly aver, there was no preconcerted plan to attempt breaking out. There cannot be produced the least shadow of a reason or inducement for that intention, the prisoners daily expecting to be released, and to embark on board cartels for their own native country. And we solemnly assert, likewise, there was no intention of resisting, in any manner, the authority of the government of this depot.

(*Signed by the committee.*)

N. B. 7 were killed,
30 dangerously wounded,
30 slightly wounded.

Total 67 killed and wounded.

Dartmoor Prison, *April 7th*, 1815.

We hereby certify this to be a true copy of the original report.

(Signed) *William B. Bond*,
William Hobart,
James Boggs,
James Adams,
Francis Joseph,
John T. Trowbridge,
John Rust,
Henry Allen,
Walter Colton,
Thomas B. Mott,
Committee.

(COPY.)

From R. G. Beasley to the Commissary General of Prisoners.

London, 19th April, 1815.

SIR,

I had the honour to transmit, on the 13th and 15th instant, two reports on the unfortunate transaction of the 6th instant at Dartmoor Prison. The one by the British authorities, and the other by a committee of our prisoners. The latter I lost no time in laying before this government, and on the receipt of it, lord Castlereagh sought an interview with Mr. Clay and Mr. Gallatin, at which it was agreed that each party should appoint a commissioner to investigate the circumstances. If it had suited the convenience of Mr. Clay or Mr. Gallatin to have undertaken it, one of the British commissioners who signed the treaty of Ghent would have been appointed to act with him, but as neither of these gentlemen could go, and as my presence here could not be dispensed with at present, they advised me to apply to Mr. Charles King of New-York, who has readily undertaken to act, although it interferes in some degree with his private affairs.

Mr. King left town last evening for Dartmoor, with a Mr. Larpent, who is to act with him.

The result of the investigation shall be transmitted to you as soon as received; in the mean time I am happy to have it in my power to state that every disposition has been manifested to do what is due to the occasion.

I transmit herewith a list of the unfortunate sufferers in this affair.

I also enclose a copy of a letter which I have just received from the Transport Board relative to the proposals, I made on the receipt of your letter of the 6th ultimo, for sending home our prisoners.

It is proper that I should here remark that at the interview which took place between lord Castlereagh, and Messrs. Gallatin and Clay, his lordship proposed this arrangement, and that these gentlemen advised me to agree to it.

I have the honour to be
Sir,
Your most obed't humble serv't,

R. G. BEASLEY.

The hon. John Mason, &c. &c.

List of prisoners wounded on the evening of the 6th April, 1815.

Thomas Smith, amputated thigh.

Philip Ford, punctured wound of the back, and punctured wound of the belly.

John Gray, amputated arm.

Robert Willet Tawney, amputated thigh.

James Bell, bayonet wound of the thigh.

Thomas Truely, gun shot wound through the thigh and testicle. The ball entered the hip, and

passed out at the fore part of the thigh and through the testicle.

William Leverage, lacerated hand and amputated thumb.

Joseph Bezeck, (*alias Musick*,) gun shot wound of the thigh, through which the ball passed.

John Willet, (*black*) fractured jar-lacerated hip, complicated with a shattered state of the upper jaw.

James Esdell, gun shot wound of the hip.

Henry Montcalm, gun shot wound of the left knee.

Frederick Howard, gun shot wound of the leg, through which the ball passed.

William Penn, (*black*) gun shot wound of the thigh.

Robert Fittez, gun shot wound of the penis.

Cornelius Garrison, gun shot wound of the thigh. The ball passed through the limb.

Edward Whittlebanks, bayonet wound of the back, producing paralyses of the sphenesters ani et urine, with paralysis of the lower extremities.

James Turnbull, amputated arm.

Stephen Phipps, bayonet wounds of the abdomen and thigh.

James Wells, gun shot fracture sacrum & crista ilie, and gun shot fracture of both bones of the left arm.

Caleb Codding, gun shot wound of the leg.

Edward Gardner, gun shot fracture of the left arm.

Jacob Davis, gun shot wound of the thigh. The ball passed through the thigh.

John Hagabets, gun shot wound of the hip.

Peter Wilson, gun shot fracture of the hand. The ball passed through the palm of the hand.

John Perry, gun shot wound of the shoulder.

John Peach, gun shot wound of the thigh, the ball passed through the thigh.

John Roberts, (*black*) gun shot wound of the thigh.

John Gair, amputated thigh.

Ephraim Lincoln, gun shot wound of the knee. Discharged 23d April, 1315.

John Wilson, bayonet wound. Discharged cured 12th April, 1815.

William Blake, bayonet wound. Discharged cured 12th April, 1815.

**Thomas Jackson*, (*black*) gun shot wound of the abdomen. He died early in the morning of the 7th.

**James Campbell*, gun shot fracture, with depression of the whole of the frontal bone, orbital ridge and nasal bones. He died on the morning of the 8th.

* These names are included in the list of deaths.

(Signed) GEORGE MAGRATH.

Description of death wounds inflicted on the evening of the 6th April, 1815.

John Haywood (*black*). The ball entered a little posterior to the acromien of the left shoulder, passing obliquely upwards, made its egress about the middle of the right side of the neck.

Thomas Jackson. The ball entered the left side of the belly, nearly in a line with the navel, and made its egress a little below the false ribs in the opposite side; a large portion of the intestinal canal protruded through the wound made by the ingress of the ball. He languished until 8 o'clock of the 7th, when he died.

John Washington. The ball entered at the squamore process of the left temporal bone, and passing through the head, made its exit a little below the cruceal ridge of the occipital bone.

James Mann. The ball entered at the inferior angle of the left scapula, and lodged under the integument of the right pectoral muscle. In its

course, it passed through the inferior margin of the right and left lobes of the lungs.

Joseph Toker Johnson. The ball entered at the inferior angle of the left scapula, penetrated the heart, and passing through both lobes of the lungs, made its egress at the right axilla.

William Leverage. The ball entered about the middle of the left arm, through which it passed, and penetrating the corresponding side, betwixt the second and third ribs, passing through the left lobe of the lungs, the mediartenum, and over the right lobe, and lodged betwixt the 5th and 6th ribs.

James Campbell. The ball entered at the outer angle of the right eye, and in its course, it fractured and depressed the greater part of the frontal bone, fractured the nasal bones, and made its egress above the orbital ridge of the left eye. He languished until the morning of the 8th, when he died.

(Signed) Geo. Magrath.

Dartmoor Prison.

A Return of American Prisoners of war who were Killed and Wounded in an attempt to force the Military Guard on the evening of the 6th April, 1815.

Current number.	Number on general entry book.	Names.	Quality.	Ship.	Whether man of war, merchant vessel, or privateer.	Remarks.
		KILLED.				
1	4,884	William Leveridge.	Seaman.	Enterprise, prize to Saratoga.	Privateer.	
	970	James Mann.	do.	Siro.	Letter of marque.	
	3,134	John Haywood.	do.	Gave himself up from H. M. ship Scipion.		
	1,347	Joseph T. Johnson.	do.	Paul Jones.	Privateer.	
5	3,936	John Washington.	do.	Rolla.	Merchant vessel.	
		WOUNDED.				
1	6,520	Thomas Jackson.	Boy.	Gave himself up from H. M. ship Prontes.		Dangerously. Died April 7, 1815.
	2,647	James Campbell.	Seaman.	Volontaire.		do. do.
	5,769	John Guier.	do.	Rambler.	Merchant vessel.	
	1,722	William Penn.	do.	Despatch, merchant vessel, impressed at London.		
5	5,003	Cornelius Garrison.	do.	Invincible.	Letter of marque.	
	3,614	H. Montcalm.	do.	Horneby, prize to Governor Tompkins.	Privateer.	
	1,965	Robert Willet.	do.	H. M. ship Andromache.		
	5,326	John Peach.	do.	Enterprise.	do.	
	2,148	Edward Whittlebank.	do.	H. M. ship Royal William.		
10	1,881	James Thornbull.	Boy.	Elbridge Gerry.	do.	
	3,652	James Wells.	Seaman.	Thorn.	do.	
	1,236	Philip Ford.	do.	H. M. ship Sultan.		
	685	James Bell.	do.	Joel Barlow.	Merchant vessel.	
	94	John Grey.	do.	St. Martin's Planter.	do.	
15	436	William Leverage.	do.	Magdalene.	do.	
	1,024	Edward Gardner.	do.	Joseph.	do.	
	1,516	Stephen Phipps.	do.	Zebra.	Letter of marque.	
	486	John Roberts.	do.	Two Brothers, impressed at Cork.	do.	
	1,640	Thomas Smith.	do.	Paul Jones.	Privateer.	
20	1,819	Caleb Codding.	do.	H. M. ship Swiftsure.		
	5,015	Jacob Davis.	do.	Charlotte, prize to Mammoth.	do.	
	2,013	James Esdaile.	do.	Governor Tompkins.	do.	
	380	Peter Wilson.	do.	Virginia Planter.	Merchant vessel.	
	2,884	William Blake.	do.	H. M. ship Repulse.		Discharged. Cured April 12, 1815.
25	338	John Hagabets.	Second mate.	Good Friends.	Merchant vessel.	
	4,153	Ephraim Lincoln.	Seaman.	Argus.	do.	
	4,493	Thomas Findlay.	do.	Enterprise.	Privateer.	
	4,109	John Howard.	do.	Flash.	do.	
	1,228	Joseph Masick.	do.	H. M. ship Furieux.		
30	6,123	Robert Fittez.	do.	Grand Turk.	do.	
	1,812	John Willett.	do.	H. M. ship Rosario.		
	3,080	John Perry.	do.	H. M. ship Tiger.		
33	2,662	John Wilson.	do.	H. M. ship Fortune.		Discharged. Cured April 12, 1815.

(Signed) THO. GEO. SHORTLAND, *Agent.*

GEO. MAGRATH, *Surgeon.*

(COPY.)

From Alexander M'Leay to R. G. Beasley.

Transport-Office, 19th April, 1815.

SIR,

I am directed by the commissioners for the transport service, &c. to acquaint you, that the lords commissioners of the admiralty have, by their order of yesterday date, been pleased to signify the consent of his majesty's government, that the expense of conveying the American prisoners of war, from this country to America, should be shared by the two governments, leaving the interpretation of the article in the late treaty of peace upon this subject, for future explanation, and that the board are accordingly about to take measures for providing vessels for the conveyance of the remainder of the prisoners, understanding that the vessels already engaged by you, are calculated to convey about 3,000 men.

I am, sir, your most obedient

Humble servant,

(Signed,)

ALEXANDER M'LEAY.

R. G. Beasley, esq.

From R. G. Beasley to the Commissary General of Prisoners.

London, April 30th, 1815.

SIR,

In my letter of the 19th instant, I informed you of the measures which had been adopted here in consequence of the late unfortunate event at Dartmoor prison.

I have now the honour to transmit the copy of a letter addressed to me by Mr. Clay and Mr. Gallatin, relative to that occurrence; and to the transportation of the American prisoners in this country to the United States.

In the absence of Mr. Adams, it becomes my duty to communicate for the information of our government, the result of the investigation at Dartmoor. * I enclose a copy of the joint report of the commissioners appointed for that purpose; also of a letter from Mr. King to Mr. Adams, and of a list of the killed and wounded on that melancholy occasion.†

I shall leave to Mr. Adams any further steps which he may deem it proper to take in this business. I cannot, however, forbear to notice here the erroneous impression of the prisoners, that their detention so long has been owing to me. You are aware, sir, of my constant exertions during the war to effect their liberation. Immediately on the signing of the treaty of peace at Ghent, I received my instructions on that subject; proposing, as a condition, that all the prisoners who might be delivered over to me by the British government should be considered as prisoners of war, and not at liberty to serve until regularly exchanged, in the event of the treaty not being ratified by the

* See papers marked A

† See letter of the 19th April.

President. This proposition was declined, and in a peremptory manner. On the receipt of the intelligence of the ratification from America, I lost not a moment in requesting the release of the prisoners according to the terms of the treaty: and the number of vessels which I had hired, as mentioned in my letter of the 13th instant, and which are now on their voyage to the United States, will show that the necessary steps were taken to provide for their immediate transportation to their country. The prisoners, also, were informed of these measures, and of the exertions which had been made from the commencement, to return them to their homes with the least possible delay. Therefore, whatever may have been their uneasiness under confinement, and whatever hostile feelings they may have had towards me, as noticed in the report, and in Mr. King's letter; I may say with confidence, that I could not prevent the one, nor have I deserved the other.

I have the honour to be,
sir, your most obedient,
humble servant,
R. G. BEASLEY.

The hon. John Mason, &c. &c.

Extracts of a letter from R. G. Beasley, esq. agent for American prisoners of war in England, to the Commissary General of prisoners, dated October 10th, 1815.

"In compliance with the request contained in that of the 5th August, (the commissary general's letter,) I transmit herewith copies of my corres-

pondence with the Transport Board on the subject of the general release of American prisoners in this country on the conclusion of the treaty at Ghent, and on the receipt of the president's ratification; also copies and extracts of letters informing the prisoners of the measures taken for their release, preceding the occurrence at Dartmoor of the 6th April.

It was always my practice before requesting, by written communication, the release of prisoners, to urge the measure in person; and this repeatedly, until either it was granted, or there appeared not any hope of success; and then my letter followed, for the purpose of reducing the negotiation to a more official form. This practice I pursued upon the conclusion of the treaty at Ghent, when my request was refused, and again on the receipt of the ratification of the president when the release was agreed upon. Upon these occasions I of course availed myself of every circumstance which I conceived calculated to accomplish the object I had in view: and I frequently found the Board concurring with me upon points which, when submitted to the admiralty, were rejected." ——- "One of my letters informing the prisoners of the measures taken for their release was addressed to those on parole at Ashburton which is about 16 miles distant from Dartmoor, and with whom the prisoners at this latter place were in constant correspondence; I have to observe further that when inquiry as to the probable time of release, was made at my office by friends of prisoners, which at that time was very frequently the case, they were always requested, when writing to them to desire the information to be made as public in the prison as possible."

(Copy.)

From R. G. Beasley to Alexander M'Leay.

Harley-street, January 18th, 1815.

SIR,

A treaty of peace having been concluded at Ghent between Great Britain and the United States, I am induced by a desire to shorten the sufferings of the American prisoners in this country, to address the board relative to them. I do this with the more confidence of its being favourably received, as I am persuaded that this wish is equally entertained by the British government.

I have therefore to request, that a certain number of prisoners may be released, as soon as I may be able to procure proper conveyances for them to the United States; under the condition that they shall be subject to exchange should the treaty not be ratified by the President of the United States.

I am, &c. &c.

(Signed) R. G. BEASLEY.

Alexander M'Leay, esq.
Transport Office.

(Copy.)

From Alexander M'Leay to R. G. Beasley.

Transport Office, Jan. 21st, 1815.

SIR,

Having received, and laid before the commissioners for the transport service, &c. your letter of the 18th inst. proposing, under the cir-

cumstances therein stated, that a certain number of American prisoners of war may be permitted to return to the United States, I have it in command to acquaint you, that the same has been referred to the consideration of the lords commissioners of the admiralty, and that their lordships have in reply been pleased to signify, that they do not think proper to accede to your proposition.

I am, &c. &c.

(Signed) *Alexander M'Leay*, Sec.

R. G. Beasley, esq.

(Copy.)

From R. G. Beasley to Alexander M'Leay.

Harley-street, March 15th, 1815.

SIR,

The treaty of Ghent having been ratified by the governments of the United States and this country, and peace being thus happily restored between the two nations, I beg to inquire whether there is any objection to delivering over to me the prisoners detained in this country, as soon as I can provide for their conveyance.

I am, &c. &c.

(Signed) R. G. BEASLEY.

Alexander M'Leay, esq.

Transport Office.

(Copy.)

From Alexander M'Leay to R. G. Beasley.

Transport Office, March 16th, 1815.

SIR,

I have received and laid before the commissioners of the transport service, &c. your letter of the 15th inst. requesting to be informed, under the circumstances therein stated, whether there be any objection to delivering over to you the Americans now detained as prisoners of war in this country, upon your providing vessels for their conveyance to the United States.

In reply, I am directed to acquaint you, that the board are ready to embark all the prisoners in question, upon your providing vessels at Plymouth for their conveyance, it being understood, that all the debts contracted by them in this country must previously be paid.

I am, &c. &c.

(Signed) ALEX. M'LEAY, Sec.

R. G. Beasley, esq.

Extract of a letter from R. G. Beasley, addressed to the committee of American prisoners of war at Dartmoor, dated London, 22d March, 1815.

"Three cartels are now preparing here, with all expedition, for the conveyance of the prisoners to the United States."

(COPY.)

Agency for American prisoners of war,

London, March 23d, 1815.

Gentlemen,

I have to inform you that the treaty of peace having been ratified by the president, the release of the prisoners of war will commence without delay.

Although I have not as yet received any instructions from our government, I have engaged, and am fitting out four vessels for their conveyance to proceed to Plymouth to receive them, and shall use every despatch in sending them to the United States.

I am, &c.

(Signed) R. G. BEASLEY.

To the American prisoners of war on parol at Ashburton.

Extract of a letter from R. G. Beasley, to capt. T. G. Shortland, agent for prisoners of war at Dartmoor, dated London, March 25th, 1815.

"I have engaged four vessels for cartels, which are fitting out with all despatch. They will sail, I hope, in five or six days for Plymouth, to receive prisoners. Their tonnage together is about 1600 tons."

(Copy.)

London, March 31st, 1815.

SIR,

I have received your letter of the 29th inst. acquainting me with your opinion of the complaints of Mr. Proctor and Mr. Robinson, now in Dartmoor hospital. In return, I beg to inform you, that these two prisoners shall be sent home in the first cartel; which will, I expect, sail from this place to-morrow for Plymouth.

I am, &c. &c.

(Signed) R. G. BEASLEY.

George Magrath, esq. Surgeon Dartmoor prison hospital, Devon.

(copy.)

From R. G. Beasley to the Committee of American Prisoners of War.

Agency for American Prisoners of War,

London, March 31st, 1815.

Gentlemen,

It appearing by several letters which I have received from Dartmoor that the prisoners have taken up an idea, that any, who may have the means of proceeding to the United States would, on application, receive a free discharge; I request that you will make it known throughout the prison, that such is not the fact.

There must be other and better reasons to induce me to consent to their release in this manner, at this time. The situation of Europe under the prospect of another war, multiplies the risk of impressment. I have taken measures to have them all released and sent home by cartels with as little delay as possible ; where they are much wanted, and where wages are very high.

I am, &c.

(Signed,)

R. G. BEASLEY.

To the Committe of
American Prisoners of War, Dartmoor.

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